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 ALL0Y.
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 mainfame 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]

BILLING CODE 8025–01–P

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'')[1] and Rule 19b–4 thereunder,[2] 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*.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

In its filing with the Commission, NYSE Amex 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. NYSE Amex 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

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.

On April 9, 2009, NYSE Amex formally established its NYSE Amex Order Imbalance Information datafeed service (the ''Implementation Filing'').[3] Subsequent to the Implementation Filing, NYSE Amex amended NYSE Amex Equity Rules 15 and 123C to modify the reference price at which the Exchange reports NYSE Amex Order Imbalance Information and to clarify what is included or excluded from the NYSE Amex Order Imbalance Information reports (the ''Reference Price Filing'').[4]

As more fully described in the Implementation Filing and the Reference Price Filing, NYSE Amex Order Imbalance Information provides real-time order imbalances that accumulate prior to the opening of trading on the Exchange and prior to the close of trading on the Exchange. The Exchange provides this information for issues that are likely to be of particular trading interest at the opening or closing.

Currently, the Exchange provides this datafeed at no cost. The instant filing is submitted to establish a $500 monthly fee for receipt of the NYSE Amex Order Imbalance Information datafeed. This proposed $500 monthly fee to recipients of the NYSE Amex Order Imbalance Information datafeed applies whether the recipient receives the datafeed directly from the Exchange or indirectly from an intermediary. The fee entitles the datafeed recipient to make displays of that information available to an unlimited number of subscribers for no extra charge. The Exchange is not proposing to impose an end-user or display service fee on those subscribers.

The $500 monthly fee would allow vendors to redistribute NYSE Amex Order Imbalance Information: (1) Without having to differentiate between professional subscribers and nonprofessional subscribers; (2) without having to account for the extent of access to data; (3) without having to procure contracts with its subscribers for the benefit of the Exchange; and (4) without having to report the number of its subscribers.

The Exchange submits that the fee enables the investment community that has an interest in the receipt of order imbalance information to contribute to the Exchange's operating costs in a manner that is appropriate for this market data product.

In setting the level of the NYSE Amex Order Imbalance Information Product fee, the Exchange took into consideration several factors, including:

(1) The fees that other Exchanges are charging for similar services [5];

(2) Consultation with some of the entities that the Exchange anticipates will be the most likely to take advantage of the proposed service;

(3) The contribution of market data revenues that the Exchange believes is appropriate for entities that provide market data to large numbers of investors, which are the entities most likely to take advantage of the proposed service; and

(4) The contribution that revenues accruing from the proposed fee will make to meet the overall costs of the Exchange's operations.

In short, the Exchange believes that the proposed NYSE Order Imbalance Information fee would reflect an equitable allocation of its overall costs to users of its facilities.

The Exchange believes that the level of the fee is consistent with the approach set forth in the approval order issued by the Commission related to ArcaBook fees.[6] In the ArcaBook Approval Order, the Commission stated that ''when possible, reliance on competitive forces is the most appropriate and effective means to assess whether the terms for the distribution of non-core data are equitable, fair and reasonable, and not unreasonably discriminatory.'' [7] It noted that if significant competitive forces apply to a proposal, the Commission will approve it unless a substantial countervailing basis exists.

The Exchange submits that the NYSE Amex Order Imbalance Information datafeed constitutes ''non-core data''; *i.e.,* the Exchange does not require a central processor to consolidate and distribute the product to the public pursuant to joint-SRO plans. Rather, the Exchange distributes this product voluntarily. Furthermore, both types of the competitive forces that the Commission described in the ArcaBook Approval Order are present: the Exchange has a compelling need to attract order flow and the product competes with a number of alternative products.

The Exchange must compete vigorously for order flow to maintain its share of trading volume. This requires the Exchange to act reasonably in setting market data fees for non-core products such as the NYSE Amex Order Imbalance Information datafeed. The Exchange hopes that NYSE Amex Order Imbalance datafeed will enable vendors to distribute NYSE Amex order imbalance information widely among investors, and thereby provide a means for promoting the Exchange's visibility in the marketplace.

2. Statutory Basis

The bases under the Securities Exchange Act of 1934 (the ''1934 Act'') for the proposed rule change are the requirement under Section 6(b)(4) [8] that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities and the requirements under Section 6(b)(5) [9] that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in

[3] *See* Securities Exchange Act Release No. 59743 (April 9, 2009), 74 FR 17699 (April 16, 2009) (SR–NYSEAmex–2009–11).

[4] *See* Securities Exchange Act Release No. 59816 (April 23, 2009), 74 FR 19614 (April 29, 2009) (SR–NYSEAmex–2009–13).

[5] New York Stock Exchange LLC imposes an access fee of $500 per month for its order imbalance datafeed. Nasdaq OMX includes order imbalance information in its Nasdaq TotalView datafeed. Nasdaq OMX imposes end-user charges on both professional and nonprofessional subscribers that receive TotalView, as well as an array of monthly distribution charges that are significantly higher than the charge that NYSE Amex is proposing in this proposed rule change.

[6] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR–NYSEArca–2006–21) (the ''ArcaBook Approval Order'').

[7] *Id.* at 74771.

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78f(b)(5).

general, to protect investors and the public interest.

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.

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 35 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 Exchange consents, the Commission will:

(A) By order approve 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 e-mail to *rule-comments@sec.gov*. Please include File No. SR–NYSEAmex–2009–26 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEAmex–2009–26. 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, 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 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–NYSEAmex–2009–26 and should be submitted on or before July 15, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–14796 Filed 6–23–09; 8:45 am]

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[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60126; File No. SR–CBOE–2008–55]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Granting Approval to a Proposed Rule Change, as Modified by Amendment No. 1, Relating to Margin Requirements

June 17, 2009.

I. Introduction

On June 2, 2008, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] the Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to modify its margin requirements to facilitate, under certain circumstances, the ability of account holders to use vested and currently exercisable compensatory employee stock options (''Vested Employee Options'') issued by publicly traded companies as collateral for writing call options that have the same underlying security as the Vested Employee Options. On May 3, 2009, CBOE filed Amendment No. 1. The proposed rule change was published for comment in the **Federal Register** on May 13, 2009.[3] The Commission received one comment letter on the proposed rule change.[4]

II. Description

The Exchange proposes to amend its margin requirements to facilitate, under certain circumstances, the ability of account holders to use Vested Employee Options issued by publicly traded companies (''Issuers'') as collateral for writing call options that have the same underlying security as the Vested Employee Options. Specifically, the proposal would allow account holders to sell, as a hedge, listed equity call options on the same underlying security as the account holder's Vested Employee Options without the requirement of margin (the ''Transactions''). The proposal would permit account holders to engage in the Transactions using their Vested Employee Options as collateral. Currently, such Transactions would be deemed ''naked'' for purposes of margin rules and subject to a deposit of cash margin, effectively making the strategies cost prohibitive and impractical. The Exchange believes that enabling employees who hold Vested Employee Options to generate income and liquidity on their otherwise illiquid asset through the listed options markets will benefit investors by providing greater transparency and liquidity.

Under Section 220.12(f)(1) of Regulation T,[5] the Exchange, as a registered national securities exchange, is permitted to recognize the type of transactions described below as eligible for margin treatment subject to the approval of the Commission.

The proposal would permit account holders to sell listed call options on the same security that underlies their Vested Employee Options without the requirement of margin. Given the uncertificated nature of employee stock options, in order to secure the account

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 59876 (May 6, 2009), 74 FR 22613 (May 13, 2009) (''Notice'').

[4] *See* letter from Kandy Rathinasamy, dated May 15, 2009 (''Rathinasamy Letter'').

[5] Section 220.12(f)(1) of Regulation T (12 CFR 220), *Supplement: Margin Requirements,* grants authority to registered national securities exchanges to promulgate rules relating to call and put margin requirements.