

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 website 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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2021-65, and should be submitted on or before December 7, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>22</sup>

**J. Matthew DeLesDernier,**  
Assistant Secretary.

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BILLING CODE 8011-01-P

## SMALL BUSINESS ADMINISTRATION

[Docket No. SBA-2020-0048]

### Termination of Nonmanufacturer Rule Class Waiver

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notification of intent to terminate the class waiver to the Nonmanufacturer Rule for radiology equipment.

**SUMMARY:** The U.S. Small Business Administration (SBA) is considering terminating a class waiver of the Nonmanufacturer Rule (NMR) for 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 under manufacturing categorized under North American Industry Classification System (NAICS) code 334517 and Product Service Code (PSC) 6525.

**DATES:** Comments and source information must be submitted on or before xx/xx/xxxx.

**ADDRESSES:** You may submit comments and source information via the Federal Rulemaking Portal at <https://www.regulations.gov> under Docket ID SBA-2020-1148]. If you wish to submit confidential business information (CBI) as defined in the User Notice at <http://www.regulations.gov>, please submit the information to Carol Hulme, Attorney Advisor, Office of Government Contracting, U.S. Small Business Administration, 409 Third Street SW, 8th Floor, Washington, DC 20416. Highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will review the information and make a final determination as to whether the information will be published.

**FOR FURTHER INFORMATION CONTACT:**

Carol Hulme, Attorney Advisor, by telephone at 202-205-6347 or by email at [Carol-Ann.Hulme@sba.gov](mailto:Carol-Ann.Hulme@sba.gov).

**SUPPLEMENTARY INFORMATION:** An awardee of a Federal small business set-aside contract valued over \$250,000.00, service-disabled veteran-owned small business contract, HUBZone contract, women-owned small business contract, or 8(a) contract must provide its own product or that of a small business manufacturer unless a waiver is in place. If the above-identified class waiver is terminated, small businesses will no longer be authorized to provide the product of any manufacturer regardless of size on the identified items, unless a Federal contracting officer obtains an individual waiver to the NMR.

Section 8(a)(17) and 46 of the Small Business Act (Act), 15 U.S.C. 637(a)(17) and 657s, and SBA's implementing regulations, found at 13 CFR 121.406(b), require that recipients of Federal supply contracts issued as a small business set-aside (except as stated below), service-disabled veteran-owned small business (SDVO SB) set-aside or sole source contract, Historically Underutilized Business Zone (HUBZone) set-aside or sole source contract, WOSB (women-owned small business) or economically disadvantaged women-owned small business (EDWOSB) set-aside or sole source contract, 8(a) set-aside or sole source contract, partial set-aside, or set aside of an order against a multiple award contract 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 (NMR). 13 CFR 121.406(b). Note that the NMR does not apply to small business set-aside acquisitions with an estimated value between the micro-purchase threshold and the simplified acquisition threshold but continues to apply to socioeconomic categories over the micropurchase threshold.

Sections 8(a)(17)(B)(iv)(II) and 46(a)(4)(B) of the Act authorize SBA to waive the NMR for a "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market. The SBA defines "class of products" based on a combination of (1) the six-digit NAICS code, (2) the four-digit PSC, and (3) a description of the class of products. As implemented in SBA's regulations at 13 CFR 121.1202(c), 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 been awarded a contract to supply the class of products within the last 24 months.

In accordance with the SBA's regulations at 13 CFR 121.1204(a)(7), SBA will periodically review existing class waivers to the NMR to determine whether small business manufacturers or processors have become available to participate in the Federal market. Upon receipt of information that such a small business manufacturer or processor exists, the SBA will announce its intent to terminate the NMR waiver for a class of products. 13 CFR 121.1204(a)(7)(ii). Unless public comment reveals no small business exists for the class of products in question, SBA will publish a Final Notice of Termination in the **Federal Register**.

On October 31, 2007, the SBA published in the **Federal Register** a notice of intent to waive the Nonmanufacturer Rule for Irradiation Apparatus Manufacturing (X-Ray Equipment and Supplies). The comments submitted in response failed to establish the existence of a small business manufacturer of these products. As such, on December 26, 2007, after the comment and notice period passed, SBA issued a class waiver for those products effective January 10, 2008. That notice can be found at 77 FR 73057.

On April 20, 2020, SBA received a request to terminate the previously issued waiver. The requester provided information that established the existence of a small business manufacturer of the identified products. Thus SBA is proposing to terminate the class waiver for irradiation apparatus manufacturing, computerized axial

<sup>22</sup> 17 CFR 200.30-3(a)(12).

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 under NAICS code 334517 and PSC 6525. The public is invited to comment or provide source information on the proposed termination of the NMR waiver for these products.

More information on the NMR and class waivers can be found at <https://www.sba.gov/contracting/contracting-officials/non-manufacturer-rule/non-manufacturer-waivers>.

**David Wm. Loines,**

*Director, Office of Government Contracting.*

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## SMALL BUSINESS ADMINISTRATION

### Delegations of Authority

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of delegations of authority.

**SUMMARY:** This document provides the public notice of the delegations of authority for activities related to loans guaranteed under the Paycheck Protection Program (PPP) by the Administrator of the Small Business Administration (SBA) to the Associate Administrator for the Office of Capital Access (AA/OCA) and the redelegation of certain authority related to PPP loan activities to the Director of the Office of Financial Program Operations (OFPO) in the OCA, certain employees of OFPO, and an OCA Committee. In addition, this document provides the public notice of the delegations of authority for certain activities related to Coronavirus Disease 2019 (COVID-19) Economic Injury Disaster Loans (EIDLs) and EIDL Advances by the Administrator to the AA/OCA.

**SUPPLEMENTARY INFORMATION:** This document provides the public notice of the Administrator's delegations of authority with respect to the temporary 7(a) loan program titled the "Paycheck Protection Program" (PPP) under sections 7(a)(36), 7(a)(37), and 7A of the Small Business Act (15 U.S.C. 636(a)(36) and (37); 15 U.S.C. 636m) to the AA/OCA. Specifically, the delegation of authority related to SBA's review of PPP loans and final SBA loan review

decisions, as well as the servicing, liquidation, and guaranty purchase of PPP loans. The delegation of authority related to guaranty purchases of PPP loans is consistent with the delegation of authority published at 68 FR 51048 (August 25, 2003) for guaranty purchases of other 7(a) loans. This document also provides that certain authority for PPP loan activities delegated to the AA/OCA is redelegated to the OFPO Director, certain OFPO employees, and to an OCA Committee. Finally, notwithstanding the Delegation of Authority No. 12-D, Revision 3 (58 FR 57891), which sets forth the authority delegated by the Administrator to the Assistant Administrator for Disaster Assistance for the purpose of administering SBA's Disaster Assistance Programs, this document provides the public notice of the Administrator's delegation of authority to the AA/OCA for certain activities related to SBA's Coronavirus Disease 2019 (COVID-19) Economic Injury Disaster Loans (COVID EIDLs) and EIDL Advances, including Targeted EIDL Advances and Supplemental Targeted Advances. All other delegations of authority for the purpose of administering SBA's Disaster Assistance Programs, remain as set forth in Delegation of Authority No. 12-D, Revision 3.

Delegation of Authority No. 12-H reads as follows:

Delegation of Authority No. 12-H.

I. The Administrator of the SBA, Isabella Casillas Guzman, pursuant to the authority vested in her by the Small Business Act, 15 U.S.C. 631, as amended, hereby delegates the following authorities related to loan activities of the Paycheck Protection Program (PPP) under sections 7(a)(36), 7(a)(37) and 7A of the Small Business Act, 15 U.S.C. 636(a)(36) and (37) and 15 U.S.C. 636m:

A. To the Associate Administrator for the Office of Capital Access (AA/OCA):

1. Loan Reviews and Decisions:

a. To take any and all action(s) in connection with SBA's review of PPP loans in accordance with the implementing guidance for the PPP issued by SBA and the Department of the Treasury, including but not limited to interim final rules, final rules, frequently asked questions, SBA notices, and official SBA forms, including instructions for those forms (collectively the "PPP requirements").

b. To make all final SBA loan review decisions, including but not limited to, whether the borrower:

i. Was ineligible for the PPP loan;

ii. Was ineligible for the PPP loan amount received or used the PPP loan proceeds for unauthorized purposes;

iii. Is ineligible for PPP loan forgiveness in the amount determined by the lender in its full or partial approval decision issued to SBA; and/or

iv. Is ineligible for PPP loan forgiveness in any amount when the lender has issued a full denial decision to SBA.

2. Servicing, Liquidation, Denial of Liability on a Guaranty on a PPP Loan, and Approve Initiation of Lawsuit to Recover Funds on a PPP Loan:

a. To determine whether the PPP lender complied with all SBA Loan Program Requirements related to servicing, liquidation, and litigation of its PPP loans, including but not limited to borrowers involved in bankruptcy.

b. Consistent with the delegation of authority published at 68 FR 51048 (August 25, 2003), to take any and all actions involved in denial of liability on guaranty purchase requests submitted on PPP loans and to approve the initiation of a lawsuit to recover funds on a PPP loan from a PPP lender, including but not limited to recovery of the processing fee paid to a lender that is found guilty of an act of fraud in connection with a PPP loan.

c. To approve the initiation of a lawsuit to recover funds on a PPP loan from a borrower, including but not limited to recovery of funds from the borrower's shareholder(s), member(s), or partner(s) if the shareholder, member, or partner knowingly used the funds for unauthorized purposes.

3. To amend, suspend, or revoke authority redelegated to any position listed below.

B. The authority delegated to the AA/OCA is redelegated to the Director, Office of Financial Program Operations, as follows:

1. Loan Reviews:

a. To determine and develop policy and procedures necessary for SBA staff in headquarters and relevant SBA loan centers, as well as applicable contractor staff, to conduct loan review activities related to PPP loans.

b. To oversee the performance of loan reviews of PPP loans by SBA staff in headquarters and relevant SBA loan centers, as well as applicable contractor staff.

2. Servicing, Liquidation, and Guaranty Purchase of PPP Loans:

a. To determine and develop policy and procedures necessary for SBA staff in headquarters and relevant SBA loan centers, as well as applicable contractor staff, to conduct servicing, liquidation,