

a new monthly "Enterprise Rate Nonprofessional Subscriber Fee" that would cap each Vendor's combined obligation for Nonprofessional Subscriber Fees and Usage-based Vendor Fees for Nonprofessional Subscribers at \$375,000 per month.

OPRA's Nonprofessional Subscriber Fee and Usage-based Vendor Fees were established at their current levels effective on January 1, 2000.<sup>6</sup> OPRA has not increased these fees since then in large part because of the simplicity of having the Nonprofessional Subscriber Fee and the cap on Usage-based Vendor Fees for receipt of OPRA data by a Nonprofessional Subscriber each set at \$1.00. However, the effect over a period of twelve years has been to increase the ratio of OPRA's Professional Device Fee as compared to the Nonprofessional Subscriber Fee. (For the year 2000, OPRA's weighted average Professional Device Fee was approximately \$12.55 per device; it is now \$25.00/device.<sup>7</sup>) OPRA believes that increasing its Nonprofessional Subscriber Fee will restore an appropriate balance between its revenues derived from Professional Subscriber Device-based Fees on the one hand and Nonprofessional Subscriber Fees and Usage-based Vendor Fees for Nonprofessional Subscribers on the other hand.

In response to input from the Vendor community, OPRA is proposing to introduce an "Enterprise Rate Nonprofessional Subscriber Fee." The Enterprise Rate Nonprofessional Subscriber Fee would limit the maximum aggregate amount of Nonprofessional Subscriber Fees and Usage-based Vendor Fees with respect to Nonprofessional Subscribers that any Vendor would be required to pay with

Fees might be lower and could not be greater, due to the administrative simplicity of doing so and the fact that the cost on a per Subscriber basis of doing so is very small.

<sup>6</sup> See File No. SR-OPRA-99-02; Release No. 34-42152 (November 17, 1999). In File No. SR-OPRA-99-02, OPRA reduced the Nonprofessional Subscriber Fee from \$2.50 per Nonprofessional Subscriber to the current \$1.00 per Nonprofessional Subscriber.

<sup>7</sup> In the year 2000, OPRA had a sliding scale for its Professional Subscriber Fees, with different rates based on whether a Professional Subscriber was a Member of one or more of the Exchanges that were parties to the OPRA Plan and on the Professional Subscriber's number of devices; OPRA's Professional Subscriber Fees ranged from \$10.50/device for an Exchange Member with 750 or more devices to \$27.00/device for a non-Member with nine or fewer devices. Over the course of several years, OPRA made incremental changes in its Professional Subscriber Fees to eliminate all distinctions in these fees based on a Professional Subscriber's status as a member or nonmember of an exchange that is a party to the OPRA Plan or on the Subscriber's total number of OPRA-enabled devices. See File No. SR-OPRA-2004-01; Release No. 34-49382 (February 25, 2004).

respect to its Nonprofessional Subscribers. The proposed Enterprise Rate Nonprofessional Subscriber Fee is \$375,000 per month.

OPRA anticipates that these proposed changes in its fees will result in an increase in its revenues of approximately \$1,700,000 on an annual basis at current usage rates.<sup>8</sup> OPRA believes that this increase will restore the relationship of its fees for Nonprofessional Subscribers to its fees for Professional Subscribers and represent an appropriate contribution to covering the overall costs of OPRA and its member exchanges to which these fees may properly be applied.

The text of the proposed amendment to the OPRA Plan is available at OPRA, the Commission's Public Reference Room, <http://opradata.com>, and on the Commission's Web site at [www.sec.gov](http://www.sec.gov).

## II. Implementation of the OPRA Plan Amendment

OPRA designated this amendment as qualified to be put into effect upon filing with the Commission in accordance with clause (i) of paragraph (b)(3) of Rule 608 under the Act.<sup>9</sup> OPRA intends to implement the amendment on May 1, 2012.

The Commission may summarily abrogate the amendment within sixty days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 608(b)(2) under the Act<sup>10</sup> if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed OPRA Plan amendment 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

<sup>8</sup> This projection is approximate for several reasons, among them that the fee increase may cause some Vendors to review their lists of Nonprofessional Subscribers for inactive accounts and may cause some Vendors to begin paying Usage-based Vendor fees rather than Nonprofessional Subscriber Fees.

<sup>9</sup> 17 CFR 242.608(b)(3)(i).

<sup>10</sup> 17 CFR 242.608(b)(2).

- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-OPRA-2012-02 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 Number SR-OPRA-2012-02. This file number should be included on the subject line if email 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 plan amendment that are filed with the Commission, and all written communications relating to the proposed plan amendment 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 OPRA. 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-OPRA-2012-02 and should be submitted on or before April 6, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Kevin M. O'Neill,**

*Deputy Secretary.*

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**BILLING CODE 8011-01-P**

## SMALL BUSINESS ADMINISTRATION

### Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that LongueVue Capital Partners II, L.P. ("Applicant"), 111 Veterans Blvd., Suite

<sup>11</sup> 17 CFR 200.30-3(a)(29).

1020, Metairie, LA 70005, an SBIC Applicant under the Small Business Investment Act of 1958, as amended (“the Act”), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest, of the Small Business Administration (“SBA”) rules and regulations (13 CFR 107.730). LongueVue Capital Partners II, LP proposes to provide debt financing to Blue Dot Energy Services, LLC (“Blue Dot” or the “company”). Blue Dot is located at Route 76 East, Bridgeport, WV 26330.

A conflict of interest exemption is required because the Blue Dot investment is considered financing of an Associate under 13 CFR 107.730(a). Blue Dot is an Associate of the Applicant because Associate of Applicant, LongueVue Capital I (“LVCI”), has a greater than 10 percent fully diluted investment in Blue Dot prior to Applicant’s initial investment.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Dated: March 12, 2012.

**Sean Greene,**

*Associate Administrator for Investment.*

[FR Doc. 2012-6464 Filed 3-15-12; 8:45 am]

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## **SMALL BUSINESS ADMINISTRATION**

### **Privacy Act of 1974: Revision of Privacy Act System of Records**

**AGENCY:** Small Business Administration (SBA).

**ACTION:** Notice of Revision of Privacy Act Systems of Records.

**SUMMARY:** SBA is revising the Privacy Act Systems of Records for the Loan System, SBA 21 (“SOR 21”) and the Suspension and Debarment Files, SBA 36 (“SOR 36”), to add new and revised routine uses, to expand the categories of covered individuals and categories of records, and to update the systems’ managers and the systems’ locations. SBA is also updating Appendix A to the Agency’s Systems of Records to reflect recent office relocations. This notice is in accordance with the Privacy Act requirement that agencies publish their amended Systems of Records in the **Federal Register** when there is a revision, change or addition to the systems.

**DATES:** Written comments on the revisions to the SBA’s SOR 21 and SOR 36 Systems of Records are due April 16, 2012. The changes to these Systems of Records are effective without further notice on April 30, 2012 unless comments are received that result in further revision. Based on SBA’s review of comments received, if any, SBA will publish a notice if it determines to make changes to the system notices.

**ADDRESSES:** Written comments on the revisions to the SBA’s SOR 21 and SOR 36 Systems of Records should be directed to Ingrid Ripley, Program Analyst U. S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416. When submitting comments please identify whether comments are related to SOR 21 or SOR 36.

**FOR FURTHER INFORMATION CONTACT:** Ingrid Ripley, Program Analyst, (202) 205-7538.

**SUPPLEMENTARY INFORMATION:** SBA is amending its Privacy Act System of Records Notice, which was previously published at 74 FR 14890 (April 1, 2009), to amend System 21 (Loan System), System 36 (Suspension and Debarment Files), and Appendix A.

#### **System 21—Loan System.**

SBA is revising the routine uses provisions of its Privacy Act Systems of Records, Loan System, SBA 21 (“SOR 21”) to add three new uses, designated as paragraphs l, m, and n, to include Loan Agent review processes and additional regulatory processes. The processes include, but are not limited to, the Agency’s new processes for: (i) Compiling and reviewing loan agent data, (ii) disclosing to GSA loan agent enforcement actions and exclusions under 13 CFR part 103 for purposes of publication in GSA’s Excluded Parties List System, and (iii) disclosing to others (e.g., regulators) SBA supervisory information for regulatory purposes. In addition, SBA is amending SOR 21 to update the SOR 21 System Location and Managers, and Categories of Individuals and Records, to provide a definition for loan agents, and amending routine use lettered “d” regarding disclosure to law enforcement, professional and procurement organizations.

#### **SBA System 36—Suspension and Debarment Files.**

SBA is amending the System of Records for Suspension and Debarment Files, SBA 36, (“SOR 36”), to add a new routine use and to update the System Location, System Manager, Categories of Individuals and Categories of Records provisions.

SBA is also amending the routine uses provisions in SOR 36 in order to meet the requirements of Executive Order 12549 and other applicable law. This amendment will allow SBA to transfer certain parties’ identifying information to GSA for publication on the Excluded Parties List System (the “EPLS”). The parties whose identifying information will be subject to disclosure to the EPLS are those that have been suspended or debarred from participating in SBA programs, that have agreed to exclusion from participation, or that have been declared ineligible, under 2 CFR Parts 180 and 2700 or other applicable law, or that have been the subject of enforcement actions under Part 103 (other than Loan Agents in SBA Business Loan Programs, which are covered by SOR 21).

SOR 36 currently consists of materials compiled from investigations and/or audits which identify violations which may be cause for suspension or debarment pursuant to the Federal Acquisition Regulations or the government-wide non-procurement suspension and debarment regulations. These materials include indictments, information, plea agreements, judgments, loan agreements, contract documents, etc., that pertain to a party’s participation in government contracts, SBA loan programs, and other SBA assistance. Through the EPLS, government agencies and the public can search and ascertain the SBA enforcement or exclusion status of those parties. These searches may be performed, for example, for purposes of determining government contract eligibility. Finally, SBA is amending SOR 36 to expand the System Location to include all of SBA Headquarters, and the System Manager section to include Headquarters Suspension and Debarment officials, is revising the Categories of Records and Categories of Individuals sections, and is amending routine use lettered “a” regarding disclosure to law enforcement, professional and procurement organizations.

#### *Appendix A*

Finally, SBA is amending Appendix A to update the addresses of various offices that have been relocated or to remove addresses for those offices that have closed since the list was last published.

#### **Appendix A**

Headquarters

409 Third St., SW., Washington, DC 20416.