

order flow to the CBOE. The Rule will also provide floor brokers with an incentive to trade at a price between the quoted bid and ask. The benefits of the tighter markets will inure to the customers. In addition, by establishing a minimum participation right, the CBOE expects that the Rule will provide firms with the ability to participate on these trades in a more efficient manner than is available today.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5)⁵ of the Act in that it is designed to remove impediments to a free and open market and protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

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 self-regulatory organization consents, the Commission will:

- (A) By order approve such 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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. 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 the filing will also be available for inspection and copying at the principal offices of the CBOE. All submissions should refer to File No. SR-CBOE-99-35 and should be submitted by September 10, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-21656 Filed 8-19-99; 8:45 am]
BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41737; File No. SR-Phlx-99-25]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. to Allow the Options Committee to Adopt Policies Affecting Location of Members in the Trading Crowd on a Crowd-by-Crowd Basis

August 12, 1999.

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 July 21, 1999, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "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

The Phlx proposes to adopt Commentary .17 to Phlx Rule 1014, Obligations and Restrictions Applicable to Specialists and Registered Options Traders, allowing the Options

Committee to adopt policies affecting the location of members in the trading crowd on a crowd-by-crowd basis in order to ensure fair and orderly markets. The text of the proposed Rule is provided below. The new language is italicized.

Obligations and Restrictions Applicable to Specialists and Registered Options Traders Rule 1014

Commentary .01-.16. No change.

Commentary .17.

In the interest of fair and orderly markets, the Options Committee may adopt policies affecting the location of members in the trading crowd on a crowd-by-crowd basis.

* * * * *

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

In its filing with the Commission, the Exchange 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. The Exchange 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

According to the Exchange's By-laws, the Options Committee has the authority to make or recommend the adoption of, and administer such rules as it may deem necessary for the convenient and orderly transaction of business upon the equity and index options trading floor.³ The proposal will give the Options Committee express authority to adopt policies and implement those policies on an expedient basis to ensure convenient and orderly transaction of business upon the equity and index options trading floor. The Exchange also believes that this proposal provides the Options Committee and the trading crowd with flexibility to change member location policies in trading crowds to adapt to changing technological advances, which may call for locating members in specific areas or rethinking traditional arrangements.

The proposed rule will allow the Options Committee to adopt policies

⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Phlx By-law Article 10-19.

⁵ 15 U.S.C. 78f(b)(5).

regarding member location on a crowd-by-crowd basis, specific to the trading crowd in question. For example, the Options Committee may adopt a policy requiring floor brokers, for a specific series, to stand in the area where the AUTO-X⁴ screens for that series are located. Thus, under the proposed rule, the Options Committee may tailor a policy to specific market conditions and readdress the situation, periodically updating the policy where appropriate. The Exchange will give the members of the trading crowd and the options floor one day's notice of the Options Committee's decision prior to implementation of the policy in that particular trading crowd.⁵ The decision may be appealed to the Board of Governors pursuant to By-law Section 11-1.

The Exchange believes that such a rule is necessary because changes in technology and space reconfigurations will continue to affect how business is conducted and where members in the trading crowds are situated. The Exchange also believes that adopting policies concerning members' personnel and the area accessing a trading crowd would be covered under the proposed rule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act and, in particular, with Section 6(b)(5) of the Act⁶ in that it promotes just and equitable principles of trade, facilitates transactions in securities, and removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest by granting express authority to the Options Committee to adopt policies to regulate the location of members in the trading crowd to facilitate changes in

technology and space reconfigurations occurring on the Options floor.

B. Self-Regulatory Organization's Statement on Burden of Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days after the date of filing or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposed rule change, or such shorter time as designated by the Commission, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. 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 will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to file number SR-Phlx-99-25, and should be submitted by September 10, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-21655 Filed 8-19-99; 8:45 am]

BILLING CODE 8010-01-M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Request for Emergency Review by the Office of Management and Budget

The Social Security Administration publishes a list of information collection packages that will require clearance by OMB in compliance with Public Law 104-13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collection listed below has been submitted to OMB for emergency consideration. OMB approval has been requested by August 31, 1999.

0960-0601. Public Law 105-277 authorizes SSA to conduct a Medicare buy-in demonstration project to evaluate means to promote the Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act. A lack of awareness about the Medicare buy-in programs appears to be one of the major obstacles to enrollments. Other obstacles to enrollment include the confusion of potential eligibles as to how to apply for these programs and a preference for dealing with SSA field offices rather than with local Medicaid offices.

SSA began screening respondents voluntarily on March 1, 1999 for potential Medicare Part B buy-in eligibility using a screening guide developed for this purpose. The screening guide will collect information from SSA beneficiaries regarding income, resources, marital status, and living arrangements and also ask questions about their awareness of Medicare Part B buy-in programs. SSA will gather this information to identify and overcome obstacles to Medicare Part B buy-in enrollments and to determine potential eligibility for Medicare Part B benefits.

⁴ AUTO-X is a feature of AUTOM that automatically executes public customer market and marketable limit orders up to the number of contracts permitted by the Exchange for certain strike prices and expiration months in equity options and index options, unless the Options Committee determines otherwise. See Phlx Rule 1080.

⁵ The Exchange will provide notice in the form of a memorandum to the trading floor, as well as by posting of a memorandum on an electronic bulletin board. Telephone conversation between Nandita Yagnik, Attorney, Phlx, and Joseph Morra, Attorney, Division of Market Regulation ("Division"), SEC, August 6, 1999. The Exchange notes that a specific policy adopted pursuant to this proposed provision would be reasonably and fairly implied by an existing rule, i.e., new Commentary .17 and therefore, would not be deemed to be a proposed rule change pursuant to Securities Exchange Act Rule 19b-4(d).

⁶ 15 U.S.C. 78f(b).

⁷ 17 CFR 200.30-3(a)(12).