

improved. Furthermore, the PCX proposes that a Floor Broker who is holding a customer order and a facilitation order who calls for a facilitation market will be deemed to be representing both the customer order and the facilitation order, so that the customer order and the facilitation order will also have priority over all other orders that were not being represented in the trading crowd at the time that the facilitation market was established.

The Exchange believes that the effect of this rule change will be to provide Market Makers with an additional incentive to quote tighter markets in response to a request for quotes and at the same time encourage member firms to bring their order flow to the PCX options floor. In addition, the Exchange believes that the rule change will provide Floor Brokers with an additional incentive to trade between the quoted bid and ask, thereby passing on the benefits of additional price discovery to customers.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) <sup>4</sup> of the Act, in general, and furthers the objectives of Section 6(b)(5) <sup>5</sup> in particular, become it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments and perfect the mechanisms of a free and open market and a national market system and 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*

Written comments on the proposed rule change were neither solicited nor received.

## 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 proposal is consistent with the Act. In particular, the Commission seeks comment on whether the proposed rule change will result in fair executions for the various orders and parties represented in the crossing transaction.<sup>6</sup> Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., 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 will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR-PCX-99-18 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 99-24501 Filed 9-20-99; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41868; File No. SR-PCX-99-25]

### **Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. To Allow Lead Market Makers To Perform Certain Floor Broker Functions**

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 13, 1999, the Pacific Exchange, Inc. ("PCX" 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**

The PCX proposes to modify its Lead Market Maker ("LMM") rules to allow an LMM to perform certain Floor Broker functions. The text of the proposed rule change is set forth below. Additions are italicized and deletions are bracketed.

Pacific Exchange, Inc.

#### **Rule 6.82**

(a)-(g)—No Change.

(h) LMM Performance of Order Book Official, [and] Market Maker *and Floor Broker Functions.*

(1) LMM Performance of Order Book Official Functions.

(a)-(e)—No Change.

(2) LMM Performance of Market Maker Function.

(a)—No Change.

(3) *LMM Performance of Floor Broker Function.*

*(a) LMMs may function in designated option issues as both Market Maker and Floor Broker, and as such, will be exempt from Rule 6.38. In acting as Floor Brokers, LMMs must fulfill their obligation to use due diligence and all other obligations of Floor Brokers pursuant to Rules 6.43 through 6.48.*

*(b) LMMs may (but are not obligated to) accept non-discretionary orders that are not eligible to be placed in the Public Order Book, and LMMs may represent such orders as Floor Brokers. An LMM may not represent discretionary orders, whether as a Floor*

<sup>4</sup> 15 U.S.C. 78f(b).

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

<sup>6</sup> The PCX has also filed a proposed rule change concerning "cross-only" contingency orders (SR-PCX-99-31).

<sup>7</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

*Broker or otherwise. All orders in the LMM's possession that are eligible to be booked must be booked.*

Commentary: .01-.02.—No Change.  
[.03. the provisions of Rule 6.82(h) are subject to a pilot program, which is set to expire on October 12, 1998.]

.03. [.04.]—No Change.

## 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

*Background.* In October of 1996, the Commission approved a PCX pilot program that allowed LMMs to perform all functions of the Order Book Official ("OBO") in designated option issues pursuant to PCX Rules 6.51 through 6.59.<sup>3</sup> The Commission approved the PCX pilot program on a permanent basis on July 2, 1999.<sup>4</sup>

*Proposal.* The Exchange now proposes to modify its LMM rules to allow an LMM to perform certain Floor Broker functions in addition to OBO and Market Maker functions.<sup>5</sup> First, the Exchange proposes that, in acting as Floor Broker, LMMs must fulfill their obligation to use due diligence and perform all other obligations of Floor Brokers pursuant to PCX Rules 6.43 through 6.48. Second, the Exchange proposes that LMMs may, but are not obligated to, accept non-discretionary orders that are not eligible to be placed in the Public Order Book, and LMMs may represent such orders as Floor Brokers.<sup>6</sup> Third, the Exchange proposes

that an LMM may not represent discretionary orders, whether as a Floor Broker or otherwise. Finally, all orders in the LMM's possession that are eligible to be booked must be booked.

The Exchange proposes these rule changes for competitive reasons. Specifically, the Exchange seeks to provide its LMMs with the flexibility needed to compete with Specialists and Designated Primary Market Makers ("DPMs") on other national securities exchanges.<sup>7</sup> The Exchange believes that the proposed rule change will allow LMMs to provide customers with a greater level of service than currently provided. The Exchange further believes that the proposal will help LMMs to better compete with DPMs and Specialists with respect to rates charged to customers for the execution of their orders.

Finally, with respect to the restrictions on the types of orders that the LMM may represent as a Floor Broker, the Exchange notes that the restrictions are consistent with applicable rules of competing exchanges.<sup>8</sup>

#### 2. Statutory Basis

The Exchange believes that this proposal is consistent with Section 6(b)<sup>9</sup> of the Act, in general, and Section 6(b)(5)<sup>10</sup> of the Act, in particular, in that it is designed to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions

by reference to PCX Rule 6.52(a), which governs the types of orders that Order Book Officials may accept. Such orders, as indicated in the Rule, "shall include limit orders \* \* \* and such other orders as may be designated by the Options Floor Trading Committee." According to PCX, the Committee has not designated any additional types of orders that may be accepted by Order Book Officials. Orders not eligible for the Public Order Book would include, for example, contingency orders, spread orders, straddle orders, and combination orders, among others. Telephone conversation between Robert P. Pacileo, Attorney, PCX, and Ira L. Brandriss, Attorney, Division of Market Regulation, Commission, on August 6, 1999.

<sup>7</sup> The proposed rule change will generally allow PCX LMMs to perform the same functions that DPMs on the Chicago Board Options Exchange ("CBOE") may perform.

<sup>8</sup> See, e.g., CBOE Rule 8.80. CBOE Rule 8.80(c)(8) states that DPMs may, but are not obligated to accept non-discretionary orders that are not eligible to be placed in the Public Order Book, and DPMs may represent such orders as Floor Brokers. A DPM may not represent discretionary orders, whether as a Floor Broker or otherwise and all orders in the DPM's possession that are eligible to be booked must be booked.

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(5).

in securities; and in general, to protect investors and the public interest.

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

The PCX 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

Written comments on the proposed rule change were neither solicited nor received.

## 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 PCX 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, NW., Washington, DC 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, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal offices of the PCX. All submissions should refer to File No. SR-PCX-99-25 and should be submitted by October 12, 1999.

<sup>3</sup> See Securities Exchange Act Release No. 37810 (Oct. 11, 1996), 61 FR 54481 (Oct. 18, 1996). Under the pilot program, LMMs were also required to perform all obligations of Market Makers provided in PCX Rules 6.35 through 6.40 and 6.82(c).

<sup>4</sup> See Securities Exchange Act Release No. 41595 (July 2, 1999), 64 FR 38064 (July 14, 1999).

<sup>5</sup> The PCX proposed rule change is similar to Chicago Board Options Exchange Rule 8.80(c)(8). See *infra* note 8.

<sup>6</sup> As explained by PCX, the eligibility of orders to be placed in the Public Order Book is determined

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 99-24502 Filed 9-20-99; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

**DATES:** Submit comments on or before November 22, 1999.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Gayle Baker, Program Analyst, Office of the ADA/Entrepreneurial Development, Small Business Administration, 409 3rd Street, SW, Suite 6200, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Gayle Baker, Program Analyst, 202-205-6706 or Curtis B. Rich, Management Analyst, 202-205-7030.

#### SUPPLEMENTARY INFORMATION:

*Title:* "ED/MIS".

*Form No:* N/A.

*Description of Respondents:* Clients served by SBA resource partners in the Score, OSCS, BIC, Tribal BIC, WBC and Veterans Programs.

*Annual Responses:* 500,000.

*Annual Burden:* 33,500.

Dated: 9/13/99.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 99-24538 Filed 9-20-99; 8:45 am]

BILLING CODE 4410-18-P

## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3208]

#### State of Texas; (Amendment #1)

In accordance with notices from the Federal Emergency Management Agency dated September 3 and 7, 1999, the

above-numbered Declaration is hereby amended to include Jim Hogg and San Patricio Counties in the State of Texas as a disaster area due to damages from severe storms and flooding caused by Hurricane Bret that occurred August 21-26, 1999.

In addition, applications for economic injury loans from small businesses located in Bee County, Texas, a contiguous county, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is October 20, 1999, and for economic injury the deadline is May 30, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 9, 1999.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 99-24536 Filed 9-20-99; 8:45 am]

BILLING CODE 8025-01-P

## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3210]

#### Commonwealth of Virginia

As a result of the President's major disaster declaration on September 6, 1999, I find that the Independent City of Hampton, Virginia constitutes a disaster area due to damages caused by Tropical Storm Dennis and tornadoes beginning on August 27, 1999, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 4, 1999, and for loans for economic injury until the close of business on June 6, 2000 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Floor, Niagara Falls, NY 14303

In addition, applications for economic injury loans from small businesses located in the contiguous Independent Cities of Newport News and Poquoson, and the contiguous county of York in the Commonwealth of Virginia may be filed until the specified date at the above location.

The interest rates are—	
For Physical Damage:	Percent
Homeowners With Credit Available Elsewhere .....	7.250

The interest rates are—	
Homeowners Without Credit Available Elsewhere .....	3.625
Businesses With Credit Available Elsewhere .....	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere .....	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere .....	7.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000

The numbers assigned to this disaster are 321012 for physical damage and 9E4600 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 9, 1999.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 99-24537 Filed 9-20-99; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF STATE

### Office of Mexican Affairs; Notice of Issuance of a Finding of No Significant Impact With Regard to the Issuance of a Presidential Permit for the Cox Communications Underground Fiber-Optic Link, San Diego, California

#### [Public Notice No. 3124]

**AGENCY:** Department of State.

**SUMMARY:** Notice is hereby given that the Department of State has issued a Finding of No Significant Impact on the human environment within the United States for the underground fiber-optic link project sponsored by Cox Communications, Inc. of San Diego, California. A draft Environmental Assessment of the proposed underground fiber-optic link was prepared by Tetra Tech, Inc. for the sponsor, Cox Communications, Inc. of San Diego, California.

The draft Final Environmental Assessment was then reviewed by numerous federal and state agencies. Each such "cooperating agency" has approved or accepted the draft Final Environmental Assessment.

Based upon the Department's independent review of the draft Final Environmental Assessment, comments received during its preparation and comments received by the Department from federal and state agencies including measures which are proposed to be taken to prevent and/or mitigate

<sup>11</sup> 17 CFR 200.30-3(a)(12).