

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

Written comments were neither solicited nor received. However, in connection with the publication of certain parts of the proposed rule change for member vote in Notice to Members 95-101, attached as Exhibit 2 to rule filing SR-NASD-96-02, the NASD receive three comments, which were attached as Exhibit 4 to SR-NASD-96-02. The NASD's statement on the comments received with respect to Notice to Members 95-101 is set forth in rule filing SR-NASD-96-02 and was published by the Commission in Release 34-37106.

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. 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. 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 NASD. All submissions should refer to the file number in the caption above and should be submitted by July 3, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-14905 Filed 6-11-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37279; File No. SR-PHLX-96-16]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange Relating to Listing Standards

June 5, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on May 20, 1996, the Philadelphia Stock Exchange, Inc. ("PHLX" 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 self-regulatory organization. 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 Exchange, pursuant to Rule 19b-4 of the Act, proposes to revise PHLX Rule 804(2) in order to correct a drafting error, which occurred when the rule was originally adopted.¹ The text of the proposed rule change is as follows [new text is italicized; deleted text is bracketed]:

Alternative Criteria for Listing-Tier I

PHLX Rule 804 No change.

(1) No change.

(2) *At least 1,000,000 shares publicly held with at least [800 public shareholders if the issuer has between 500,000 and 1 million shares publicly held, or at least] 400 public shareholders [if the issuer has either (i) over 1 million shares publicly held or (ii) over 500,000 shares publicly held and average daily trading volume in excess of 2,000 shares per day for a six month period preceding the date of application].*

(3)-(7) No change.

¹ See Securities Exchange Act Release No. 34235 (June 17, 1994), 59 FR 32736 (June 24, 1994) (File No. SR-PHLX-93-31) (order approving proposed rule change establishing new listing and maintenance standards).

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 self-regulatory organization 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 self-regulatory organization has prepared summaries, set forth in Section 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

In June 1994, the Exchange adopted new listing criteria for equity securities under a two tier approach.² Tier I securities are listed pursuant to Rule 803 or 804. Rule 803 is the main Tier I listing rule whereas Rule 804 sets forth alternative criteria geared toward research and development companies. Both Rule 803 and Rule 804 are based substantially upon the Memorandum of Understanding ("MOU") on the uniform model marketplace exemption that had been approved by the National Association of Securities Dealers, Inc. ("NASD") and the North American Securities Administrative Association, Inc. ("NASAA").³ Rule 804 was supposed to mirror Alternative 2 of the MOU listing criteria, however, when it was drafted, subsection (2), which sets forth the public float and public shareholder requirements, incorrectly incorporated some of the language of the Alternative 1 public float/shareholder requirements. To date, the Exchange has not listed any companies pursuant to the alternative criteria in Rule 804.

The proposed revision would require issuers that seek listing pursuant to Rule 804 to show that there are at least 1,000,000 shares publicly held and at least 400 public shareholders in the security. This rule once revised would reflect the original intent of the Exchange and the MOU.⁴

² *Id.*

³ See Securities Act Release No. 6810 (Dec. 6, 1988) (publicizing the release of the MOU).

⁴ The MOU between NASAA and the NASD contained the same drafting error as the drafting error described herein. The MOU incorrectly incorporated some of the language from Tier I public float and public shareholder requirements into the Tier II requirements. In the MOU between NASAA and the Exchange on October 12, 1994, the same error occurred.

2. Statutory Basis

The proposed rule change is consistent with Section 6 of the Act in general, and in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, as well as to protect investors and the public interest by adopting minimum standards for prospective issuers which show that the company is appropriate for public trading.

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

The PHLX 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

Within 35 days of the 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 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. 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. 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 at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-PHLX-96-16 and should be submitted by July 3, 1996.

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

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-14812 Filed 6-11-96; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2860]

Kentucky; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on June 1, 1996, I find that Bullitt and Spencer Counties in the State of Kentucky constitute a disaster area due to damages caused by severe storms, flooding, and tornadoes that occurred on May 28, 1996. Applications for loans for physical damages may be filed until the close of business on July 30, 1996, and for loans for economic injury until the close of business on March 3, 1997 at the address listed below:

U.S. Small Business Administration,
Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308

or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Anderson, Hardin, Jefferson, Nelson, and Shelby Counties in Kentucky, and Harrison County in Indiana.

Interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	7.625
Homeowners Without Credit Available Elsewhere	3.875
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

	Percent
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury: Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 286012. For economic injury the numbers are 891600 for Kentucky and 891700 for Indiana.

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

Dated: June 4, 1996.

Bernard Kulik,
Associate Administrator for Disaster Assistance.

[FR Doc. 96-14903 Filed 6-11-96; 8:45 am]

BILLING CODE 8025-01-P

[Declaration of Disaster Loan Area #2859]

West Virginia; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on May 23, 1996, I find that the Counties of Barbour, Boone, Harrison, Lincoln, Logan, McDowell, Mercer, Mingo, Pendleton, Pocahontas, Raleigh, Randolph, Tucker, Upshur, Wayne, Wetzell, and Wyoming in the State of West Virginia constitute a disaster area due to damages caused by flooding and heavy rains which occurred May 15 through May 21, 1996. Applications for loans for physical damages may be filed until the close of business on July 22, 1996, and for loans for economic injury until the close of business on February 24, 1997 at the address listed below:

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

or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Cabell, Doddridge, Fayette, Grant, Greenbrier, Hardy, Kanawha, Lewis, Marion, Marshall, Monongalia, Preston, Putnam, Summers, Taylor, Tyler, and Webster Counties in West Virginia; Boyd, Lawrence, Martin, and Pike Counties in Kentucky; Garrett County, Maryland; Augusta, Bath, Bland, Buchanan, Giles, Highland, Rockingham, and Tazewell Counties in Virginia; Lawrence and Monroe Counties in Ohio; and Greene County, Pennsylvania.