

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-40310A; File No. SR-NASD-98-14]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. ("NASD" or "Association") Concerning Sales Charges and Prospectus Disclosure for Mutual Funds and Variable Contracts

August 24, 1998.

#### Correction

In FR Document No. 98-21957, beginning on page 43974 for Monday, August 17, 1998, the caption should be as set forth above.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>1</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 98-23238 Filed 8-27-98; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-40344; File No. SR-NYSE-98-24]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Revisions to the Floor Conduct and Safety Guidelines

August 19, 1998.

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 August 5, 1998, the New York Stock Exchange, Inc. ("NYSE" 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 proposed rule change consists of an amendment to the Exchange's Floor Conduct and Safety Guidelines

("Guidelines") which revises the Code of Personal Appearance contained therein. The Guidelines are a "stated policy, practice or interpretation" concerned with the administration of Exchange Rule 35. The text of the proposed rule change is set out below. Additions are italicized. Deletions are bracketed.

#### FLOOR CONDUCT AND SAFETY GUIDELINES

\* \* \* \* \*

*Code of Personal Appearance*—Members and employees of members and member organizations must conform to the revised Trading Floor Code of Personal Appearance. *All garments must be reasonably pressed and not wrinkled.*

#### MALE PERSONNEL

All male personnel are expected to wear *suitable attire as follows*: A Dress Shirt, buttoned at the collar, with a *dress tie knotted at the customary place, i.e., snug to the collar*; Full Length Dress Trousers or slacks, *JEANS OR OTHER SPORT SLACKS [OF ANY TYPE] ARE NOT PERMITTED*; a jacket with long sleeves. (An acceptable jacket shall include a suit, [or] sport coat, *blazer* or SOLID COLOR office jacket[]). *Any back or side panels or mesh back must be of same color as jacket or black.*

#### FEMALE PERSONNEL

All female personnel are expected to wear suitable attire as follows:

*Skirts and Dresses* should be worn at appropriate business lengths. No tube skirts, micro-mini[]s, see-through or other extremely revealing styles.

*Blouses, Shirts, Sweaters and Tops* should be of appropriate style and shall exclude informal wear such as tank tops, tube tops, midriffs, backless halters, see-[thru]through sweatshirts and [t]T-shirts. Leotards, plunging necklines and off-the-shoulder styles are also unacceptable.

*Pants & Slacks* should be Full Length Dress Slacks. [Casual pants are UNACCEPTABLE, including] *JEANS, LEGGINGS OR OTHER SPORT SLACKS ARE NOT PERMITTED. [OF ANY TYPE, COLOR OR FABRIC. Also excluded are leather pants, chinos, leggings, knit sweat pants, mid-calf pants and shorts. WHEN SLACKS ARE WORN, AN ACCEPTABLE OFFICE JACKET MUST ALSO BE WORN.] When slacks are worn, a jacket with long sleeves must be worn. (An acceptable jacket shall include a suit, sport coat, blazer or solid color office jacket. Any back or side panels or mesh back must be of same color as jacket or black.)*

#### MALE AND FEMALE REQUIREMENTS

*Footwear* should be confined to those that are comfortably heeled and considered safe, in view of the heavy traffic on the Trading Floor. Shoes should also be of appropriate styles. *OPEN TOE OR OPEN BACK SANDALS, FLIP FLOPS, [DR. SCHOLL'S, BEDROOM SLIPPERS,] CASUAL BEACH OR BOAT SHOES, HIGH TOP SNEAKERS and other extreme styles are NOT PERMITTED. Shoes must be worn at all times on the Floor, including in the booth or behind the post.*

[Proper] *Appropriate* hosiery, i.e., socks for men and socks or stockings [for women] of appropriate length *for women, [ARE] IS TO BE WORN AT ALL TIMES.*

*Summer Attire*: The standards of dress outlined above will apply throughout the year. If conditions warrant, the Market Performance Committee may waive certain of the requirements for a specified period of time.

*Grooming*: Beards, Mustaches, and Sideburns should be neatly trimmed. Hair should be neatly maintained.

\* \* \* \* \*

*Runners*: [must be properly attired. Tie and acceptable jackets are required. Failure to adhere to these provisions will result in the following penalties.] *May not wear hats (unless required for religious reasons). No headphones, jeans or other sport slacks are permitted. An acceptable work jacket is required. A tie is not required.*

\* \* \* \* \*

#### 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 NYSE 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 NYSE 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

The purpose of the Guidelines is to ensure that the behavior and practices of individuals on the Floor of the Exchange contribute to the efficient, undisrupted conduct of business on the Floor and do not jeopardize the safety and welfare of others. Included in the

<sup>1</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.

Guidelines is a Code of Personal Appearance (the "Code") which was last revised in 1990, along with other parts of the Guidelines.<sup>3</sup>

The Exchange is proposing to revise the Code. The revisions to the Code do not affect the existing structure of fines, penalties and disciplinary actions contained in the Guidelines. Furthermore, these revisions do not affect the rights of members, Floor clerical employees of members, and member organizations to appeal, pursuant to existing Exchange rules and procedures, any penalties that are imposed.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5)<sup>4</sup> of the Act which requires that the rules of the exchange be designed to facilitate transactions in securities and remove impediments to and perfect the mechanism of a free and open market. The revisions to the Code comply with the Act by promoting the efficient, uninterrupted conduct of business on the Trading Floor.

### *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 were neither solicited nor received with respect to the proposed rule change.

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

The proposed rule change will become effective upon filing pursuant to Section 19(b)(3)(A)(i) of the Act,<sup>5</sup> and Rule 19b-4(e)(1)<sup>6</sup> thereunder, in that it is designated by the Exchange as constituting a "stated policy, practice, or interpretation" concerned with the administration of Exchange Rule 35. At any time within 60 days of the filing of such 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 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. 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 Exchange. All submissions should refer to the File No. SR-NYSE-98-24 and should be submitted by September 18, 1998.

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

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 98-23239 Filed 8-27-98; 8:45 am]

BILLING CODE 8010-01-M

## SOCIAL SECURITY ADMINISTRATION

### **Privacy Act of 1974, as Amended; Computer Matching Program (SSA/ Department of Health and Human Services, Administration for Children and Families (ACF))—SSA Match Number 1074**

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of Computer Matching Program.

**SUMMARY:** In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct with ACF.

**DATES:** SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate; the Committee on Government Reform and Oversight of the House of Representatives; and the

Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

**ADDRESSES:** Interested parties may comment on this notice by either telefax to (410) 966-2935 or by writing to the Associate Commissioner for Program Support, 4400 West High Rise Building, 6401 Security Boulevard, Baltimore, MD 21235. All comments received will be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** The Associate Commissioner for Program Support at the above address.

## **SUPPLEMENTARY INFORMATION:**

### **A. General**

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100-503), amended the Privacy Act (5 U.S.C. 552a) by establishing the conditions under which computer matching involving the Federal Government could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such individuals.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. Among other things, it requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the match agreements by the Data Integrity Boards of the participating Federal Agencies;

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching; and

(5) Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

### **B. SSA Computer Matches Subject to the Privacy Act**

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

<sup>3</sup> Securities Exchange Act Rel. No. 28365 (August 23, 1990), 55 FR 35490 (August 30, 1990).

<sup>4</sup> 15 U.S.C. 78f(b)(5).

<sup>5</sup> 15 U.S.C. 78s(b)(3)(A)(i).

<sup>6</sup> 17 CFR 240.19b-4(e)(1).

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