

specialist was registered during distribution, provided that it has obtained an Exchange exemption from Rule 460.10 pursuant to Rule 98 and a Commission exemption from Rule 10b-6 or Rule 10b-13.<sup>10</sup> Under the new provision, an associated specialist would still be required to "give up the book" in the subject security to another specialist member organization satisfactory to the Exchange, in situations where the associated specialist and approved person do not have an exemption from Rule 10b-6 or Rule 10b-13, until the book may be reacquired by the associated specialist in accordance with Rule 10b-6 or Rule 10b-13.

### III. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).<sup>11</sup> The Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest.

The Commission believes that the rule change is consistent with the requirements of the Act in that the proposal will allow the NYSE rules to reflect accurately the current state of the law. In response to the NYSE's Petition for Relief, the Division has granted exemptions from Rules 10b-6 and 10b-13 to permit NYSE specialists ("Affiliated Specialists") affiliated with a NYSE member firm ("Affiliated Broker-Dealer") to remain in the market and to continue their normal specialist activities during the period when the Affiliated Broker-Dealer is engaged in a distribution of a specialty security or is acting as a dealer manager in a tender or exchange offer for a specialty security.<sup>12</sup>

<sup>10</sup> Absent an exemption from or exception to Rule 10b-6, Exchange specialists that are affiliated with a person participating in a distribution of securities would be precluded from bidding for or purchasing such securities or any related securities.

<sup>11</sup> 15 U.S.C. 78f(b) (1988 & Supp. V 1993).

<sup>12</sup> See Letter regarding Application of Rules 10b-6 and 10b-13 to New York Stock Exchange Specialists (File No. TP94-293) (July 31, 1995). The exemptions provided in this letter will expire in two years from the effective date of the exemptions unless otherwise extended. This sunset provision is consistent with the NYSE's proposed rule change, which would require an associated specialist of an

In providing the requested relief to the NYSE specialists, the Division has placed certain terms and conditions on the exemptions as well as limitations on their scope. As conditions to the exemptions, the Affiliated Specialist and the Affiliated Broker-Dealer must comply with the terms of, and the enumerated obligations imposed by, the exemptive letter. Moreover, the NYSE also has certain responsibilities to conduct surveillance of Affiliated Specialists and Affiliated Broker-Dealers for compliance with the conditions of the exemptions, to guard against manipulative conduct, and to provide an analysis of the operation of the exemptions to the Division.

The amendment to Rule 460.20 would require the NYSE specialists to "give up the book" during a distribution in which an approved person participates if the associated specialist and approved person do not have an exemption from Rule 10b-6 or Rule 10b-13. The Commission, therefore, believes that Exchange Rule 460.20 is consistent with Rules 10b-6 and 10b-13 and any exemption as granted by the Division. The proposed rule change would also reaffirm, through an exchange rule, the obligations under Rules 10b-6 and 10b-13 of an associated specialist to "give up the book" where such specialist does not have an exemption from such rules.

The Commission notes that the exemptions as provided by the Division are subject to modification or revocation at any time the Commission or the Division determines that such action is necessary or appropriate in furtherance of the purposes of the Act. Therefore, it is the responsibility of the associated specialist and the approved person to become aware of any changes in the exemptions and to determine whether an exemption continues to apply to their activities. Moreover, the Exchange should notify its members of any modifications or revocation of the exemptions granted by the Division.

Moreover, the Commission finds good cause for approving the proposed rule change, including Amendment No. 1, prior to the thirtieth day after the date of publication of notice of filing thereof. The Exchange's original proposal was published in the **Federal Register** for comment and no comments were received.<sup>13</sup> Amendment No. 1 merely codifies the intention of, and what necessarily must be implied from, the proposed rule change: that associated

approved person acting as an underwriter in a distribution to "give up the book" if the associated specialist and approved person do not have an exemption from Rule 10b-6 or Rule 10b-13.

<sup>13</sup> See Securities Exchange Act Release No. 35929 (June 30, 1995), 60 FR 35759 (July 11, 1995).

specialists do not have to give up the book if the associated specialists and approved persons have an exemption from Rule 10b-6 or Rule 10b-13. Amendment No. 1 does not alter the substance of the NYSE's original proposal as previously published. Moreover, the proposed rule change, as amended, merely makes Exchange Rule 460.20 compatible with the exemptions granted by the Division; the rule change does not independently create any rights or obligations for NYSE specialists. Based on the above, the Commission finds that there is good cause, consistent with Section 6(b)(5) of the Act, to accelerate approval of the amended proposed rule change.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 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 NW., Washington, DC 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-NYSE-95-21 and should be submitted by August 28, 1995.

### V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>14</sup> that the proposed rule change (SR-NYSE-95-21), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

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<sup>14</sup> 15 U.S.C. 78s(b)(2) (1988).

<sup>15</sup> 17 CFR 200.30-3(a)(12) (1994).

[File No. 1-11922]

**Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (MedicalControl, Inc., Common Stock, \$0.01 Par Value, Warrants Expiring May 13, 1996)**

August 1, 1995.

MedicalControl, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities ("Securities") from listing and registration on the Pacific Stock Exchange, Incorporated ("PSE").

The reasons alleged in the application for withdrawing the Securities from listing and registration include the following:

According to the Company, the primary reason for this action relates to the lack of trading volume on the PSE. The Board of Directors is unaware of any benefit based on its evaluation of the listing. The Company also is listed on the Nasdaq National Market System where the stock primarily trades.

Any interested person may, on or before August 22, 1995, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

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

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 95-19387 Filed 8-4-95; 8:45 am]

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with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities ("Securities") from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing the Securities from listing and registration include the following:

According to the Company, the Securities are currently listed on the BSE under the symbols "NUH" and "NUHW" respectively. The Securities also currently trade on the Nasdaq Small Cap under the Symbols "NUMD" and "NUMDW". It is the Company's intention to continue to have the Securities listed on the Nasdaq. The Company is seeking to delist from the BSE because there has been no trading activity in the Securities on the BSE since the Company's original listing in February 1995. The Company does not wish to continue any expenses associated with the BSE listing. All trading in the Securities occurs on the Nasdaq.

Any interested person may, on or before August 22, 1995, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the BSE and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

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

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 95-19388 Filed 8-4-95; 8:45 am]

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May 13, 1995 and continuing through June 23, 1995.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Decatur and Wayne in the State of Iowa may be filed until the specified date at the previously designated location.

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

All other information remains the same, i.e., the termination date for filing applications for physical damage is August 11, 1995, and for loans for economic injury the deadline is March 12, 1996.

The economic injury number for Missouri is 853400 and for Iowa the number is 853900.

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

Dated: July 28, 1995.

**James W. Hammersley,**  
*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 95-19319 Filed 8-4-95; 8:45 am]

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**[Declaration of Disaster Loan Area #2801]**

**New York; Declaration of Disaster Loan Area**

Jefferson County and the contiguous counties of Lewis, Oswego, and St. Lawrence in the State of New York constitute a disaster area as a result of damages caused by severe thunderstorms which occurred on July 15, 1995. Applications for loans for physical damages as a result of this disaster may be filed until the close of business on September 28, 1995, and for economic injury until the close of business on April 29, 1996, at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Boulevard South, 3rd Floor, Niagara Falls, New York 14303, or other locally announced locations.

The interest rates are:

	Percent
For physical damage:	
Homeowners with credit available elsewhere .....	8.000
Homeowners without credit available elsewhere .....	4.000
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 .....	7.125

[File No. 1-12992]

**Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (NuMed Home Health Care, Inc., Common Stock, \$0.001 Par Value, Redeemable Common Stock Purchase Warrants Expiring February 7, 2000)**

August 1, 1995.

NuMed Home Health Care, Inc. ("Company") has filed an application

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster Loan Area #2783]**

**Missouri; Declaration of Disaster Loan Area (Amendment #3)**

The above-numbered Declaration is hereby amended, effective July 21, 1995, to include Mercer County in the State of Missouri as a disaster area due to damages caused by severe storms, hail, tornadoes, and flooding beginning on