ATTACHMENT B
Status of FY 1996 Deferrals - As of December 1, 1995
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(-): Cumulative OMB/ Agency	Releases(-): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 12-1-95
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Economic support fund and International Fund for Ireland	D96-1	75,000		10-19-95	9,616			4	65,388
DEPARTMENT OF STATE									
Other									
United States emergency refugee and migration assistance fund	D96-3	40,486		10-19-95					40,486
SOCIAL SECURITY ADMINISTRATION									
Limitation on administrative expenses	D96-2	7,321		10-19-95					7,321
TOTAL, DEFERRALS		**122,807**	**0**		**9,616**			**4**	**113,194**

[FR Doc. 95-31005 Filed 12-20-95; 8:45 am]
BILLING CODE 3110-01-C

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36594; File No. SR–Amex–95–29]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1 to Proposed Rule Change Relating to Bond Listing Standards

December 14, 1995.

I. Introduction

On July 19, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder, [2] a proposed rule change to revise its standards for the listing and delisting of debt securities. On December 12, 1995, the Amex submitted to the Commission Amendment No. 1 to the proposed rule change.[3]

The proposed rule change was published for comment in Securities Exchange Act Release No. 36225 (September 13, 1995), 60 FR 48734 (September 20, 1995). No comments were received on the proposal. This order approves the proposed rule change, including Amendment No. 1 on an accelerated basis.

II. Description of the Proposal

Section 104 of the Amex's *Company Guide* sets forth the current standards for listing bonds and debentures. Presently, the Amex will consider listing a debt security if: (1) The company appears to be in a financial position sufficient to satisfactorily service the debt issue; (2) the issuer meets the size and earnings guidelines applicable to issuers listing common stock; [4] and (3) the issue has an aggregate market value and principal amount of at least $5 million for issuers that have common stock listed on the Amex or the New York Stock Exchange (''NYSE''), or at least $20 million and 100 holders for issuers that do not have securities listed on the Amex or NYSE. The Amex presently gives consideration to delisting a bond issue if the aggregate market value or principal amount falls below $400,000. For convertible debt, continued listing is dependent upon the underlying security remaining in compliance with the Amex's numerical criteria for that security.

The Amex proposes to amend its standards for the listing of debt securities with a view towards making the Exchange more accessible to debt issuers and facilitating the listing of such securities.[5] Specifically, the proposal eliminates the requirements that the issuer demonstrate that it will be able to satisfactorily service the debt issue, and that the issuer meet the size and earnings guidelines applicable to companies listing common stock. The proposal also removes the requirement that issuers that do not have securities listed on the Amex or NYSE have at least 100 holders and an aggregate market value and principal amount of $20 million. Finally, the proposal modifies the current aggregate market value and principal amount requirement by stating that the issuer must have at least $5 million in aggregate market value *or* principal amount.

In place of the current guidelines, the proposal provides that the Amex may list an issuer's debt securities if an issuer of an equity security listed on the Amex or NYSE is in ''good standing'' with the respective exchange,[6] and has an aggregate market value *or* principal amount of at least $5 million. This standard also will apply to an issuer that is owned by, or under common control with, an issuer of equity securities listed on the Exchange or the NYSE (''listed issuer''); and to an issuer whose debt securities are guaranteed by a listed issuer.

In contrast, debt securities of an ''unaffiliated'' issuer [7] will not be eligible for initial listing on the Amex unless a nationally recognized securities rating organization (''NRSRO'') has assigned a certain minimum rating to the bonds (or to other bonds issued by the same company). Specifically, debt securities of an unaffiliated issuer will not be eligible for initial listing on the Amex unless:

- An NRSRO has assigned a current rating to the debt security that is no lower than a Standard and Poor's (''S&P'') Corporation ''B'' rating or an equivalent rating by another NRSRO; or
- If no NRSRO has assigned a rating to the issue, an NRSRO has currently assigned an investment grade rating to an immediately senior issue,[8] or a rating that is no lower than an S&P Corporation ''B'' rating (or an equivalent rating by another NRSRO) to a *pari passu*[9] or junior issue.

As under its current rules, the Amex will give consideration to delisting a bond issue if the issuer is unable to meet its obligations on the listed debt, or if the debt's aggregate market value or principal amount falls below $400,000. The Amex proposal amends the delisting standards to clarify that any debt issuer that is unable to meet its obligation on the listed debt securities may be delisted. In applying this standard, the Exchange states that it normally will not delist the debt if there is value in the security and continued Exchange trading is in the best interests of investors.[10] However, if an issuer is unable to meet its financial obligations and there is minimal or no value in the security, the Exchange will give serious consideration to delisting the debt issue.[11] The Exchange states that it also will consider delisting debt that was listed based on the issuer being either majority-owned or guaranteed by an Amex or NYSE issuer when the equity securities of such owner or guarantor are delisted.[12]

Convertible bonds will be reviewed for continued listing when the underlying equity security is delisted, and will be delisted when the related security is no longer subject to real-time last sale reporting in the United States.[13] Further, if the underlying equity

---

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] *See* letter from Claudia Crowley, Amex, to Glen Barrentine, Senior Counsel, Division of Market regulation, SEC, dated December 12, 1995. Amendment No. 1 supplemented the proposal by specifying that (1) the underlying equities of listed convertible debt must be subject to real-time last sale reporting *in the United States,* (2) specialists assigned to municipal debt must comply with MSRB Rule G–3, (3) municipal securities will not be subject to off-board trading restrictions, and (4) unrated debt securities of unaffiliated issuers may be listed if an NRSRO has currently assigned an investment grade rating to an *immediately* senior issue by the *same* company.

[4] The Amex guidelines provide for the issuer to have stockholders' equity of at least $4,000,000 and pre-tax income of at least $750,000 in its last fiscal year, or in two of its last three fiscal years.

[5] The Commission notes that the new guidelines for listing debt securities are substantially similar to the NYSE's debt listing standards, which the Commission approved in Securities Exchange Act Release No. 34019 (May 5, 1994), 59 FR 24765 (May 12, 1994).

[6] A company is in ''good standing'' if it is above the relevant continued listing guidelines.

[7] An unaffiliated issuer is one that has no equity securities listed on the Amex or NYSE; is not, directly or indirectly, majority-owned by, nor under common control with, an issuer of Amex or NYSE-listed equity securities; and is not issuing a debt security guaranteed by an issuer of equity securities listed on the Amex or NYSE.

[8] To be investment grade, an issue must be assigned a rating no lower than an S&P Corporation rating of ''BBB-'' (or another NRSRO's equivalent thereof). The Amex amended the proposal to specify that it will apply this standard only to unrated bonds that are *immediately* junior to another rated class of securities issued by the *same* company. *See* Amendment No. 1, *supra* note 3.

[9] A *pari passu* issue has equal standing with the debt issue proposed to be listed.

[10] *See* Securities Exchange Act Release No. 36225 (September 13, 1995), 60 FR 46734 (September 20, 1995) (notice of this proposed rule change).

[11] *Id.*

[12] *Id.*

[13] *See* Amendment No. 1 *supra* note 3 (specifying that last trade reporting must be available *in the United States*).

security is delisted due to a violation of the Amex ''corporate responsibility'' criteria (including, but not limited to, the outside director, audit committee and shareholder voting requirements),[14] the Exchange will delist all debt securities convertible into that equity security.

The Amex also proposes to simplify the listing process for debt issuers by reducing the number of documents that an applicant must file in support of its debt listing application. Specifically, the Exchange will eliminate the schedule of distribution and the listing resolution. In addition, the Exchange will no longer require that trustees certify certain issuer-specific information.

Finally, the Amex is adopting a new rule to permit the listing of municipal and sovereign debts (*i.e.*, debt issued by foreign governments, and by American states, localities, or government agencies).[15] The Exchange will evaluate whether to list there issuers on a case-by-case basis and will treat the issuer as an ''unaffiliated'' corporate issuer for purposes of the initial listing guidelines described above. Municipal debt will be subject to the same delisting standards as corporate debt. The Amex will assign municipal securities accepted for listing on the Exchange to specialists that will trade the securities in accordance with all Amex regulations otherwise applicable to the trading of securities on the trading floor.[16] All Exchange contracts in municipal securities will be compared, settled and cleared in accordance with the applicable regulations of the Municipal Securities Rulemaking Board (''MSRB'').

III. Discussion

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).[17] Specifically, 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 development and enforcement of adequate standards governing the initial and continued listing of securities on an exchange is an activity of critical importance to financial markets and the investing public. Listing standards serve as a means for a self-regulatory organization to screen issuers and to provide listed status only to bona fide companies with sufficient float, investor base and trading interest to maintain fair and orderly markets. Once a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue to ensure that it continues to meet the exchange's standards for market depth and liquidity. For the reasons set forth below, the Commission believes that the proposed rule change will provide the Amex with greater flexibility in determining which debt securities warrant inclusion in its bond trading and disclosure systems, while continuing the protections that the Exchange's listing standards provide investors.

After careful review, the Commission has concluded that the proposed initial listing standards should help the Amex to ensure that only substantial companies capable of meeting their financial obligations are eligible to have their debt listed on the Exchange. As before, the proposed rule change will require that the Amex evaluate an issuer's ability to cover the interest charges on its debt securities. Although the Exchange currently makes this interest coverage determination itself,[18] the amended standards will rely instead on either the issuer's relationship with the Amex of NYSE, or the debt's NRSRO rating.

The Commission agrees that, to the extent that the Amex and the NYSE have adequate listing standards for common stock, the Amex reasonably may assume that listed companies (and certain affiliates thereof) should not pose a significant risk of defaulting on their obligations so long as the companies remain in ''good standing'' on the exchanges. Moreover, debt securities enjoy seniority over equity securities. Because the Amex (or NYSE) presumably would not have listed the junior equity issue unless it was satisfied with the quality of the company, the Commission believes it is reasonable for the Amex to assume that the senior debt issue also warrants listed status.

For ''unaffiliated'' issuers, the Commission finds that it is not unreasonable for the Exchange to defer to the expertise of an NRSRO, rather than conducting its own analysis of the company's financial condition, as is presently the case. Although the Commission would be concerned by any potential misuse of NRSRO ratings, the Commission notes that the NRSROs routinely evaluate interest coverage, among other things, when they rate bonds. In addition, their methodology incorporates extrinsic factors, such as characteristics of the issuer's industry group. The Commission therefore agrees with the Exchange that, under these circumstances, NRSRO ratings can be relied upon for determinations about the creditworthiness of issuers.

Moreover, the Commission is satisfied that the distinctions in NRSRO ratings drawn by the Amex are valid.[19] According to the S&P Corporation's debt rating definitions,[20] bonds rated ''B'' (or higher) currently have the capacity to meet interest payments and principal repayments, whereas bonds rated ''CCC'' (or lower) are dependent upon favorable business, financial or economic conditions to meet timely payments of interest and repayment of principal. The Commission also believes that it is logical for the Amex to assume that an unrated debt issue which is *pari passu* with (or senior to) an issue with at least a ''B'' rating would, if rated, receive an equal (or higher) rating. Finally, to permit the Amex to list unrated bonds that are immediately junior to an investment grade issue is appropriate because those bonds generally would be rated no more than one rating category lower (*i.e.*, a S&P Corporation ''BB'' rating).[21]

As for the other provisions in the proposal, the Commission finds that they strike an appropriate balance between protecting investors and enhancing the flexibility of the debt listing process. For instance, the proposed rule change provides that, to be eligible for listing, a bond issue must have an aggregate market value or

[14] *See* Sections 121–123 of the Amex's *Company Guide*.

[15] This does not include debt issued or guaranteed by the United States Government or agencies thereof that presently may be admitted to dealings on the Exchange pursuant to Amex Rule 140.

[16] The Amex intends to require specialist units applying for appointment and registration in municipal securities to be in compliance with MSRB Rule G–3 regulations regarding municipal securities principals and representatives. *See* Amendment No. 1 *supra* note 3. The National Association of Securities Dealers, Inc. (''NASD'') has authority to enforce MSRB rules for listed municipal securities. The Amex enforcement in this regard will not preempt or limit in any manner the NASD's authority to act in this area.

[17] 15 U.S.C. 78f(b) (1988).

[18] As noted above, the current listing standards require that a company appear to be in a financial position sufficient to satisfactorily service in the debt issue to be listed.

[19] The Commission notes that the NRSRO ratings being adopted by the Amex are the same standards as the Commission approved for the NYSE in Securities Exchange Act Release No. 34019, *supra* note 5.

[20] *See* Standard & Poor's High Yield Directions, January 1994.

[21] *Id.*

principal amount of at least $5 million. This should enable the Amex to deny listed status to companies whose securities do not have sufficient liquidity for a fair and orderly market, without infringing upon *bona fide* issuers' access to the Exchange's bond trading and disclosure systems.

Conversely, the Commission does not believe that eliminating the distribution requirement for unaffiliated issuers will have a significant adverse effect on investors in the bond market. In the past, the Commission has recognized that such information may be difficult to estimate accurately and may be relatively less pertinent than other factors.[22] Additionally, the Commission believes that the proposed elimination of certain documents that the Exchange currently requires from applicants is reasonable. Specifically, the Exchange is eliminating the schedule of distribution because distribution is no longer a listing guideline, and the listing resolution because it is essentially ceremonial in nature and does not serve any significant purpose.[23] The Amex also will cease to require that trustees certify issuer-specific information. Accordingly, the Exchange only will require that the certificate show the trustee's acceptance of the trust.[24]

In terms of the delisting criteria, the Commission has concluded that the revised standards should enable the Amex to identify listed companies that may have insufficient resources to meet their financial obligations or whose debt securities may lack adequate trading depth and liquidity. This, in turn, will allow the Exchange to take appropriate action to protect bondholders. The Amex delisting standards, however, do not include a minimum market value for debt securities. The Exchange states that if an issuer is unable to meet its financial obligations and there is minimal or no value in the security, the Exchange will give serious consideration to delisting the debt issue.[25] As the Commission discussed in its approval of similar debt standards for the NYSE,[26] the Commission expects the Amex to consider carefully the propriety of continued exchange trading of the securities of bankrupt or distressed companies,[27] and expects debt securities with minimal value to be delisted.

In addition, the Amex will delist convertible bonds whenever the underlying equity security is no longer subject to real-time last sale reporting in the United States.[28] If the related equity merely moves from the Amex to another market, it is not inconsistent with the Act for the Exchange to have discretion to continue listing the convertible debt. This would not be the case, however, if the underlying security is delisted because the issuer violated one of the Amex's corporate responsibility criteria. As a general matter, the Commission would have serious concerns about any proposal that does not provide for the delisting of convertible bonds where a company acts to disadvantage its shareholders. The Amex proposal addresses this concern by including in its guidelines that the Exchange will delist convertible bonds when the issuer's equity security is delisted due to a violation of the Exchange's corporate governance listing standards.[29]

Finally, the Commission believes that the Amex's initial listing and delisting criteria are appropriate for determining whether municipal debt should be trading on the Exchange. Because municipal securities will trade under the Amex's existing regulatory regime for trading securities (which includes specialist obligations, margin requirements, and surveillance programs), the Commission believes that adequate safeguards are in place to ensure the protection of investors in municipal securities.[30]

The Commission notes that the MSRB's regulatory scheme for the comparison, settlement, and clearing of municipal securities will continue to apply to municipal securities listed on the Amex. Additionally, the Amex will require specialist units applying for appointment and registration in municipal securities to be in compliance with MSRB Rule G–3 regarding municipal securities principals and representatives.[31] The Commission believes that it is important that any specialist selected by the Amex for a listed municipal security be familiar with the characteristics of such security.

The Commission finds good cause for approving Amendment No. 1 prior to the thirtieth day after the date of publication of notice of filing thereof. Amendment No. 1 clarifies and codifies the intent of certain language used in the original filing. Finally, the Commission did not receive any comments on the original proposal,[32] which was noted for the full statutory period, nor did it receive comments on a similar NYSE proposal that was also noticed for the full statutory period.[33]

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1 to the proposed rule change. 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 rules change that are filed with the Commission, and all written communications relating to Amendment No. 1 between the Commission and any persons, 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 Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available at the principal office of the Amex. All submissions should refer to File No. SR–Amex–95–29 and should be submitted by January 11, 1996.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[34] that the proposed rule change (SR–Amex–95–29), including Amendment No. 1 on an accelerated basis, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[35]

---

[22] *See* Securities Exchange Act Release No. 32909 (September 15, 1993), 58 FR 49537 (September 23, 1993) (File No. SR–NYSE–93–21) (approving amendments to Paragraph 703.06 of the NYSE's *Listed Company Manual* to eliminate requirement that distribution information be submitted as supporting document to debt listing application).

[23] The Exchange will continue to require an opinion of counsel that the issuance of the debt has been approved by the company's board of directors. *See* Section 213.6(c) of the Amex's *Company Guide.* Not requiring a listing resolution is consistent with NYSE procedures. *See* Paragraph 703.06 of the NYSE's *Listed Company Manual.*

[24] This is consistent with NYSE requirements. *See* Paragraph 703.06 of the NYSE's *Listed Company Manual.*

[25] *See* Securities Exchange Act release No. 36225, *supra* note 10.

[26] *See* Securities Exchange Act Release No. 34019, *supra* note 5.

[27] For example, the Commission believes that the Amex should delist the debt of companies in bankruptcy that file a plan of reorganization providing no recovery for debt holders.

[28] *See* Amendment No. 1, *supra* note 3 (specifying that last trade reporting must be available *in the United States).*

[29] *See supra* note 14 and accompanying text.

[30] The Amex confirmed in Amendment No. 1, *supra* note 3, that municipal securities will not be subject to off-board trading restrictions.

[31] *See* Amendment No. 1, *supra* note 3.

[32] *See* Securities Exchange Act Release No. 36225, *supra* note 10.

[33] *See* Securities Exchange Act Release No. 34019, *supra* note 5.

[34] 15 U.S.C. 78s(b)(2) (1988).

[35] 17 CFR 200.30–3(a)(12) (1994).

Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 95–31087 Filed 12–20–95; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 34–36592; File No. SR–PSE–95–29]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to the Composition and Duties of the Options Allocation Committee of the Exchange

December 14, 1995.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 15, 1995, the Pacific Stock Exchange Incorporated (''PSE'' 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 PSE proposes to amend the rules relating to the composition and duties of its Options Allocation Committee (''OAC'').

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 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

The Exchange proposes to make five changes to PSE Rule 11.10(c). First, the Rule currently provides in part that the OAC shall consist of Floor Brokers and Market Makers. The Exchange proposes to amend this provision to provide that the OAC shall consist of Market Makers, Lead Market Makers, Floor Brokers, and/or persons associated with floor members, office members or office allied members.[2]

Second, Commentary .01 to Rule 11.10(c) currently provides that the OAC shall be comprised of (i) two Floor Brokers from either the Options Floor Trading Committee or the Options Listing Committee; (ii) two Market Makers or Lead Market Makers from either the Options Floor Trading Committee or the Options Listing Committee; (iii) three at-large Floor Brokers; and (iv) three at-large Market Makers or Lead Market Makers. The Exchange proposes to amend this provisions to provide that attempts shall be made in order for the OAC to have a composition that includes: Floor Brokers from either the Options Floor Trading Committee or the Options Listing Committee; Market Makers or Lead Market Makers from either the Options Floor Trading Committee or the Options Listing Committee; at-large Floor Brokers; and at-large Market Makers or Lead Market Makers.

Third, the Exchange proposes to eliminate the provision in Commentary .01 that the OAC shall be limited to no more than three members of the Options Floor Trading Committee and no more than three members of the Options Listing Committee.

Fourth, Rule 11.10(c) currently provides that it shall be the duty of the OAC to allocate, reallocate and evaluate options issues. The Exchange proposes to change this provision to provide that the OAC shall allocate and reallocate option issues.

Finally, Rule 11.10(c) currently provides that the OAC shall be responsible for monitoring the performances of trading crowds and Lead Market Makers. The Exchange proposes to change this provision to provide that the OAC shall be responsible for evaluating and monitoring the performances of Market Makers, trading crowds and Lead Market Makers.[3]

The Exchange believes that the current rules on the composition of the OAC are unnecessarily restrictive and that the proposed changes to these rules are appropriate in order to allow for greater flexibility in the committee selection process and the process for replacing committee members who resign or change their status in regard to floor membership or service on other committees of the Exchange. With regard to the proposed changes to the rules on the duties of the OAC, the Exchange believes that they clarify the existing rules and do not otherwise change the way business is conducted on the Exchange.

The Exchange believes that the proposal is consistent with Section 6(b) of the Act, in general, and Section 6(b)(5), in particular, in that it promotes just and equitable principles of trade, and Section 6(b)(4), in particular, in that it assures a fair representation of members in the administration of the affairs of the Exchange.

(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 organizations 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, 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

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] *Cf.* PSE Const., Art. IV, § 5(a) (similar provision for Equity Allocation Committee).

[3] The OAC currently evaluates Market Makers and Lead Market Makers pursuant to Options Floor Procedure Advice B–13.