

Commissioner Johnson, as duty officer, determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942-7070.

Dated: September 15, 1997.

Jonathan G. Katz,
Secretary.

[FR Doc. 97-24867 Filed 9-15-97; 3:55 pm]

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SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Legend Sports, Inc.; Order of Suspension of Trading

September 15, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Legend Sports, Inc. ("Legends") because of questions regarding, among other things, the current financial condition of Legends.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period from 9:30 a.m., EDT, September 15, 1997 through 11:59 p.m. EDT, on September 26, 1997.

By the Commission.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 97-24826 Filed 9-15-97; 12:38 pm]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39049; File No. SR-NASD-97-66]

Self-Regulatory Organization; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to a Change to its Policy Regarding Limit Order Protection

September 10, 1997.

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 September 4, 1997, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Nasdaq Stock Market, Inc. ("Nasdaq"). The NASD and Nasdaq have designated this proposal as one constituting a stated policy and interpretation with respect to the meaning of an existing rule under Section 19(b)(3)(A)(i) of the Act, which renders the rule effective upon the Commission's receipt of this filing. 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 NASD is proposing to amend an interpretation to its existing Limit Order Protection Rule, IM 2110-2.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq 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 NASD has determined to revise its existing policy interpretation regarding a member's trading ahead of a customer limit order when the member offers price improvement over that limit order. The NASD's Limit Order Protection Rule, IM-2110-2 (commonly referred to as the "Manning Rule"), prohibits any member from trading at the same price as, or at a price inferior to, a customer limit order that it holds. When the Limit Order Protection Rule was first expanded in 1995,¹ members inquired about the effect of this rule on their trading activity when the member traded with another customer at a price better than the customer limit order. Of particular concern was the amount better at which a member could trade without violating the Manning Rule. In

Notice To Members 95-43, the NASD interpreted the Manning Rule to require members to trade at least $\frac{1}{64}$ th better than the held customer limit order.

Since the statement of this policy in Notice To Members 95-43, several significant changes have occurred in The Nasdaq Stock Market, including the SEC's adoption of the Order Execution Rules, in particular Rule 11Ac1-4, refinements to best execution policies as stated in the SEC's release adopting the Order Execution Rules,² and the move to quotation increments of sixteenths. These changes to improve the treatment of customer orders have resulted in re-evaluation by the NASD of its Manning Rule policy regarding price improvement. The new policy is set forth below and will be announced to all members in Notice To Members 97-57 (September, 1997).

To enable members to understand the new policy the Notice will set out the following example:

- Nasdaq Inside Market: 20—20 $\frac{1}{4}$ (10 × 10).
- MMA receives a customer limit order to buy at 20 $\frac{1}{16}$ for 2,000 shares.
- MMA changes its quote to 20 $\frac{1}{16}$ for 2,000 shares to reflect the price of the customer limit order.
- MMA receives a market order to sell 2,500 shares.

May MMA offer the market price improvement over the 20 $\frac{1}{16}$ th limit order and execute the market order for its own account? If so, what is the minimum amount of price improvement allowable?

Under the new policy, MMA is allowed to execute the market order at a price better than the limit order. However, the NASD and Nasdaq, after consultation with the Quality of Markets Committee, believe that the minimum amount of price improvement that would permit a market maker to avoid a violation of the Manning Rule is $\frac{1}{16}$ th, where the actual quotation spread is greater than $\frac{1}{16}$ th; however, where the actual quotation spread is the minimum quotation increment, the minimum price improvement is one-half of the normal minimum quote increment. In the example above, since the actual spread is 20 $\frac{1}{16}$ —20 $\frac{1}{4}$, the minimum price improvement is $\frac{1}{16}$ th. Thus, MMA could trade ahead of the limit order at 20 $\frac{1}{8}$ th. If the actual spread were 20 $\frac{1}{16}$ —20 $\frac{1}{8}$, since the security is priced at more than \$10 per share, the minimum quote increment is $\frac{1}{16}$ th. If the market maker want to trade with an incoming market order to sell without

² Securities Exchange Act Release No. 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996).

¹ See Notice to Members 95-43.