also retains the option of bringing violations of rules subject to NYSE Rule 476A to full disciplinary proceedings. The Exchange proposed that the failure to comply with the provisions of (1) Rule 392 and Rule 460.30 which require notification to the Exchange by member organizations when they are participating in or engaging in certain activities related to an offering of securities listed on the Exchange; (2) Rule 80A(b) which prohibits entry of stop orders for the remainder of any trading day on which ''sidecar'' procedures have been invoked; (3) Rule 79A.15 which requires specialists to publish bids and offers upon receipt of limit orders; and (4) Rule 105 and its Guidelines regarding specialists' speciality stock options transactions and the reporting of such transactions be included in the rule. The Exchange proposed the additions to broaden the regulatory responses available to the Exchange in effectively inducing compliance with all aspects of the rules.

III. Discussion

The Commission believes that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5) which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.[3]

The Exchange's proposal is also consistent with the requirements in Sections 6(b)(1)[4] and 6(b)(6)[5] requiring that the rules of an exchange enforce compliance and provide appropriate discipline for violations of Commission and Exchange rules. Moreover, because NYSE Rule 476A provides procedural rights to the person fined and permits a disciplined person to request a full hearing on the matter, the proposal provides a fair procedure for the disciplining of members and persons associated with members, consistent with Sections 6(b)(7)[6] and 6(d)(1)[7] of the Act.

The Commission believes that the Exchange's proposal, adding five additional rules to those subject to the imposition of fines under Rule 476A reinforces the obligations of exchange specialists. Most notably, by adding NYSE Rule 79A.15 to the MRVP, the Commission believes that the Exchange is emphasizing the importance of the obligation of an exchange specialist to immediately display certain customer limit orders in accordance with the Commission's Limit Order Display Rule[8] and NYSE Rule 79A.15. The Commission believes that displaying customer limit orders benefits investors by providing enhanced execution opportunities and improved transparency.[9]

The Commission expects that the Exchange has the appropriate surveillance procedures to easily identify a specialist who fails to display a customer limit order immediately or is relying on an automated system that does not display limit orders immediately.[10] The Commission, therefore, believes that because certain violations of the Limit Order Rule are amenable to efficient and equitable enforcement they are appropriate for inclusion in NYSE Rule 476A. The Commission expects, however, because a violation of NYSE Rule 79A.15 amounts to a violation of a federal securities law, that the Exchange will err on the side of caution in disposing of such violations under the Plan.[11] The Commission expects the Exchange to continue to resolve more serious violations of rules through the use of formal disciplinary procedures, as in the case of an egregious violation or habitual offender.

IV. Conclusion

For the foregoing reasons, the Commission believes that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Sections 6(b)(1), 6(b)(5), 6(b)(6), 6(b)(7), 6(d)(1) and 19(d) of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[12] and Rule 19d–1(c)(2) thereunder,[13] that the proposed rule change (SR–NYSE–98–02) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–17834 Filed 7–6–98; 8:45 am]

BILLING CODE 8010–01–M

those fines that are not in excess of $2,500 are subject to the periodic reporting requirements of SEC Rule 19d–1(c).

[3] 15 U.S.C. 78f(b)(5).

[4] 15 U.S.C. 78f(b)(1).

[5] 15 U.S.C. 78f(b)(6).

[6] 15 U.S.C. 78f(b)(7).

[7] 15 U.S.C. 78f(d)(1).

[8] 17 CFR 240.11Ac1–4.

[9] *See* Securities Exchange Act Release 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996)(''Adopting Release'').

[10] A specialist is not displaying customer limit orders *immediately* if the specialist regularly executes customer limit orders at, for example, the 27th second after receipt. As stated in the Adopting Release, the requirement that a limit order be displayed ''immediately'' means that the limit order must be displayed as soon as practicable, but *no later* than 30 seconds after receipt under normal market conditions. This 30 seconds is an outer limit under normal market conditions and is not to be interpreted as a 30-second safe harbor.

[11] For example, the Commission expects that the Exchange would not issue several cautionary letters before instituting the fines under the Plan or aggregate multiple violations of the rules before instituting abbreviated disciplinary procedures under the Plan or, if necessary, full disciplinary procedures.

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 240.19d–1(c)(2).

[14] 17 CFR 200.30–3(a)(2).

SOCIAL SECURITY ADMINISTRATION

Rescission of Social Security Acquiescence Ruling 87–2(11)

AGENCY: Social Security Administration.

ACTION: Notice of rescission of Social Security acquiescence Ruling 87–2(11)—*Butterworth* v. *Bowen,* 796 F.2d 1379 (11th Cir. 1986).

SUMMARY: In accordance with 20 CFR 404.985(e), 416.1485(e) and 402.35(b)(2), the Commissioner of Social Security gives notice of the rescission of Social Security Acquiescence Ruling 87–2(11).

EFFECTIVE DATE: August 6, 1998.

FOR FURTHER INFORMATION CONTACT: Gary Sargent, Litigation Staff, Social Security Administration, 6401 Security boulevard, Baltimore, MD 21235, (410) 965–1695.

SUPPLEMENTARY INFORMATION: A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act (the Act) or regulations when the Government has decided not to seek further review of the case or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(4) and 416.1485(e)(4), a Social Security Acquiescence Ruling may be rescinded as obsolete if we subsequently clarify, modify or revoke the regulation or ruling that was the subject of the circuit court holding for which the Acquiescence Ruling was issued.

On May 1, 1987, we issued Acquiescence Ruling 87–2(11) to reflect the holding in *Butterworth* v. *Bowen,* 796 F.2d 1379 (11th Cir. 1986), that the Social Security Administration's Appeals Council[1] is authorized to

[1] Under the Social Security Independence and Program Improvements Act of 1994, Pub. L. No. 103–296, effective March 31, 1995, SSA became an

initiate reopening of Administrative Law Judge (ALJ) decisions only when the decision ''is properly before it.'' The court explained several methods by which an ALJ decision may be properly before the Appeals Council including when the Council timely takes own motion review of a decision. Furthermore, the court's holding limited the reopening jurisdiction of the Appeals Council by specifically requiring timely own motion review to begin within the 60-day time period provided in 20 CFR 404.969.

Concurrent with the rescission of this Ruling, we are publishing our final rules amending sections 404.969 and 416.1469 of Social Security Regulations Nos. 4 and 16 (20 CFR 404.969 and 416.1469), to clarify when the Appeals Council has own motion review authority to reopen and revise ALJ decisions in accordance with the provisions of 20 CFR 404.987, 404.988, 416.1487 and 416.1488. The final rules provide in paragraphs 404.969(d) and 416.1469(d) that if the Appeals Council is unable to decide within the applicable 60-day period whether to review a decision or dismissal, it may consider at a later time whether the decision or dismissal should be reopened and revised under 20 CFR 404.987, 404.988, 416.1487 and 416.1488. Under the final rules, the Appeals Council's authority to reopen and revise ALJ decisions is not limited by the 60-day period provided in paragraphs 404.969(a) and 416.1469(a).

Because the final rules address the *Butterworth* court's concerns and explain that the Appeals Council's authority to reopen and revise ALJ decisions is not subject to the 60-day period provided in paragraphs 404.969(a) and 416.1469(a), we are rescinding Acquiescence Ruling 87–2(11). The final rules and this rescission restore uniformity to our nationwide system of rules in accordance with our commitment to the goal of administering our programs through uniform national standards as discussed in the preamble to the 1998 acquiescence regulations, 63 FR 24927 (May 6, 1998).

(Catalog of Federal Domestic Assistance Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.003 Special Benefits for Persons Aged 72 and Over; 96.004 Social Security—Survivors Insurance; 96.006 Supplemental Security Income)

Dated: May 27, 1998.

Kenneth S. Apfel,

Commissioner of Social Security.

[FR Doc. 98–17839 Filed 7–6–98; 8:45 am]

BILLING CODE 4190–29–M

independent Agency in the Executive Branch of the United States Government and was provided ultimate responsibility for administering the Social Security and Supplemental Security Income programs under titles II and XVI of the Act. Prior to march 31, 1995, the Secretary of Health and Human Services had such responsibility.

DEPARTMENT OF STATE

Intelligence and Research Bureau; Announcement of FY 1998 Grants Under the Research and Training Program on Eastern Europe and the Independent States of the Former Soviet Union (Title VIII)

[Public Notice 2846]

On May 5, 1998, Deputy Secretary of State Strobe Talbott approved the recommendations of the Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union. The Title VIII program, administered by the Department of State, seeks to build expertise among Americans on Russia, Eurasia, and Eastern Europe through support for advanced research, language training, and other activities both in the US and in the region. FY 1998 grant recipients are listed below.

1. American Council of Learned Societies

Grant: $250,000 (EE/Baltic States).

Purpose: To support competitions for dissertation and postdoctoral research fellowships and the Junior Scholars Training Program.

Contact: Jason Parker, Executive Associate, American Council of Learned Societies, 228 East 45th Street, New York, NY 10017–3398, (212) 697–1505 (ext. 134/135), Fax (212) 949–8058, www.ACLS.org, e-mail: Jason@ACLS.org.

2. American Council of Teachers of Russian

Grant: $371,830 (300,000–NIS, $71,830–EE).

Purpose: To support 64 graduate students, postdoctoral scholars, and young faculty in Russian, Eurasian, or Central European studies for advanced on-site language training or research.

Contact: Margaret Stephenson, ACTR, 1776 Massachusetts Avenue, N.W., Suite 700, Washington, D.C. 20036, (202) 833–7522, Fax (202) 833–7523, www.ACTR.org, e-mail: Stephens@ACTR.org.

3. University of Illinois at Urbana-Champaign

Grant: $126,519 ($95,000–NIS; $31,519–EE).

Purpose: To provide support for the Summer Research Laboratory and the Slavic Reference Service.

Contact: Dianne Merridith, Program Administrator, Russian and East European Center, University of Illinois at Urbana-Champaign, 104 International Studies Building, 910 South Fifth Street, Champaign, IL 61820, (217) 333–1244, Fax (217) 333–1582, www.UIUC.edu, e-mail: DianneM@UIUC.EDU

4. Institute of International Education

Grant: $120,000 ($60,000–NIS, $60,000–EE).

Purpose: To support 15 Professional Development Fellowships for young professionals in fields related to public service and civil policy in the NIS and Eastern Europe.

Contact: Andrew Small, Institute Of International Education, US Student Program Division, 809 United Nations Plaza, New York, NY 10017–3580, (212) 883–8200, Fax (212) 984–5325, www.IIE.org, e-mail: ASmall@IIE.org.

5. International Research and Exchanges Board

Grant: $925,000 ($600,000–NIS; $325,000–EE).

Purpose: To support its programs for Individual Advanced Research Opportunities; Short-term Travel Grants; Special Projects in Library and Information Service Grants; and Policy Forums.

Contact: Paul Ashin, IREX, 1616 H Street, N.W., Washington, D.C. 20006, (202) 628–8188, www.IREX.org, e-mail: Pashin@IREX.Org.

6. National Academy of Sciences

Grant: $195,000 ($98,000–NIS, $97,000–EE).

Purpose: To support four Young Investigator Programs and 20 grants for a program on ''Governance in Post-Communist Societies,'' focusing on science and democratization and organized crime, terrorism, and Weapons of Mass Destruction.

Contact: Steven Deets, Office for Central Europe and Eurasia, National Academy of Sciences/National Research Council, 2102 Constitution Avenue, N.W., (FO 2014), Washington, D.C. 20418, (202) 334–2644, Fax (202) 334–2614, www.NAS.edu, e-mail: SDeets@NAS.EDU.

7. National Council for Eurasian and East European Research

Grant: $1,273,800 ($900,000–NIS; $373,800,000–EE).

Purpose: To support the Research Contract and Fellowship Grant Programs and for the Policy Research Fellowships for junior postdoctoral scholars in the NIS.