

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rule 124 and Options Floor Procedure Advice F-27, Floor Official Rulings ("Advice F-27"), to assess a \$250.00 fee on persons who unsuccessfully contest an options ruling imposed under Phlx Rule 124, upon a finding by a Rule 124(d) review panel ("Review Panel"), that the appeal is frivolous.⁴

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

In its filing with the Commission, the Exchange 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 Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.⁵

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

1. Purpose

Phlx Rule 124 and Advice F-27 codify procedures respecting Floor Officials and certain rulings issued by Floor Officials on the trading floor. The Exchange proposes to amend Phlx Rule 124 and Advice F-27 to assess a \$250.00 fee on persons who frivolously contest an options ruling under Rule 124.⁶ The imposition of a fine is proposed due to the increased number of appeals filed by Exchange members who trade on the Phlx options floor. Floor Officials have expressed concern regarding appeals, and the Exchange believes that the possibility of paying a fee might

⁴ See Amendment No. 2, *Supra* note 3.

⁵ The Commission has modified the text of the summaries prepared by the Exchange.

⁶ Pursuant to Rule 124(d), Option Floor Official rulings are reviewable by a minimum of three members of the Sub-Committee on Rules and Rulings, a sub-committee of the standing committee, which shall be empowered to review such rulings, or the Chairperson of the standing committee (or his designee) if three Sub-Committee members cannot be promptly convened. This constitutes a Review Panel for Floor Officials rulings. Floor Official rulings may be sustained, overturned or modified by a majority vote of the Review Panel members present. Decisions of the Review Panel will be considered final decisions of a standing floor committee and may be appealed to the Exchange's Board of Governors pursuant to Exchange By-Law Article XI. See Amendment No. 2, *supra* note 3.

discourage members from making frivolous appeals of floor rulings. The fee will only apply to the options floor, since trading disputes more frequently arise from the options floor than from the equity or foreign currency options floors.⁷ It should help Floor Officials resolve non-disciplinary trading situations promptly.⁸

2. Statutory Basis

The proposed rule change is consistent with Section 6 of the Act⁹ in general, and in particular, with Section 6(b)(5),¹⁰ in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices and remove impediments to and perfect the mechanism of a free and open market and a national market system by discouraging unwarranted appeals and thereby providing swifter access to the appeals process. Additionally, the proposal is consistent with Section 6(b)(4)¹¹ in that it provides for the equitable allocation of a reasonable fee among those persons who unsuccessfully contest an options ruling.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited or 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 Phlx 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.

⁷ See Amendment No. 2, *supra* note 3.

⁸ This proposal does not affect citations related to floor procedure advices, which are appealable under Rule 970, nor order and decorum violations, which are appealable under Rule 60.

⁹ 15 U.S.C. 78f.

¹⁰ 15 U.S.C. 78f(v)(5).

¹¹ 15 U.S.C. 78f(b)(4).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the foregoing is consistent with the Act. 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 in 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 Phlx. All submissions should refer to File No. SR-Phlx-98-38 and should be submitted by February 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Margaret H. McFarland

Deputy Secretary.

[FR Doc. 99-1397 Filed 1-21-99 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted within 60 days of this publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S. W., Suite 5000, Washington, D. C. 20416. Phone Number: 202-205-6629.

SUPPLEMENTARY INFORMATION:

Title: "Nomination for the Small Business Prime Contractor of the Year

¹² 17 CFR 200.30-3(a)(12).

Award, Nomination for the Small Business Subcontractor of the Year.”

Type of Request: Extension of a currently approved collection.

Form No's: 883 and 1375.

Description of Respondents: Small Businesses.

Annual Responses: 369.

Annual Burden: 1,476.

Comments: Send all comments regarding this information collection to, Susan Monge, Procurement Analyst, Office Prime Contracts Assistant, Small Business Administration, 409 3rd Street S.W., Suite 8800, Washington, D.C. 20416. Phone No:202-205-7316.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: “Small Business Investment Company (SBIC) Leverage Application Forms and Documents,” Leverage Application Kits-Section 301 (c) and 301(d).

Type of Request: Extension of a currently approved collection.

Form No's: 25, 26, 27, 28, 33, 34, 444C, 444D, 1022, 1022A, 1022B, 1022C, 1065.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 150.

Annual Burden: 600.

Comments: Send all comments regarding this information collection to, Johnny Kits, Financial Analyst, Office of Chief Administrative Officer, Small Business Administration, 409 3rd Street S.W., Suite 6300, Washington, D.C. 20416. Phone No:202-205-7587.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Jacqueline K. White,

Chief, Administrative Information Branch.

[FR Doc. 99-1450 Filed 1-21-99; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

Bureau of Political-Military Affairs

[Public Notice 2931]

Proposed Information Collections: Prior Approval for Brokering Activity; Brokering Activity Reports

AGENCY: Department of State.

ACTION: 60-Day notice of proposed information collection.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposals submitted to OMB pursuant to 22 C.F.R. Part 129:

1. *Type of Request:* Existing collection without an OMB control number.

Originating Office: Bureau of Political-Military Affairs, Office of Defense Trade Controls, PM/DTC.

Title of Information Collection: Prior Approval for Brokering Activity pursuant to 22 C.F.R. § 129.7.

Frequency: On occasion.

Form Number: None.

Respondents: Business organizations.

Estimated Number of Respondents: 500.

Average Hours Per Response: 2 hours.

Total Estimated Burden: 2,000 hours. (Total Estimated Burden based on number of forms received per year.)

2. *Type of Request:* Existing collection without an OMB control number.

Originating Office: Bureau of Political-Military Affairs, Office of Defense Trade Controls, PM/DTC.

Title of Information Collection: Brokering Activity Reports pursuant to 22 C.F.R. § 129.9.

Frequency: Annual.

Form Number: None.

Respondents: Business organizations.

Estimated Number of Respondents: 500.

Average Hours Per Response: 2 hours.

Total Estimated Burden: 4,000 hours. (Total Estimated Burden based on number of forms received per year.)

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency.

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Public comments, or requests for

additional information regarding the collection listed in this notice should be directed to the Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, SA-6, Room 200, U.S. Department of State, Washington, D.C. 20522-0602 (703) 875-6644.

Dated: December 22, 1998.

John P. Barker,

Deputy Assistant Secretary for Export Controls, Bureau of Political-Military Affairs.
[FR Doc. 99-1474 Filed 1-21-99; 8:45 am]

BILLING CODE 4710-25-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Air Carrier Operations

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss air carrier operations issues.

DATES: The meeting will be held on February 3, 1999, at 1:00 p.m.

ADDRESSES: The meeting will be held at the Department of Transportation Building (Nassif Bldg.), Room 4342, 400 Seventh Street, SW., Washington, DC, 20590.

FOR FURTHER INFORMATION CONTACT: Linda Williams, Office of Rulemaking, 800 Independence Avenue, SW, Washington, DC 20591, telephone (202) 267-9685.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on February 3, 1998. The agenda for this meeting will include final proposals from the Reserve Duty/Rest Requirements Working Group, and status reports on the Airplane Performance Working Group and the All-Weather Operations Working Group. Attendance is open to the interested public but may be limited by the space available. The Members of the public must make arrangements in advance to present oral statements at the meeting or may present written statements to the committee at any time. Arrangements may be made by contracting the person