

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

The principal purpose of the proposed rule change is to allow certain affiliates of a clearing member to be designated as non-customers under the Commission's hypothecation rules<sup>3</sup> so that the affiliates may have their transactions and positions commingled in their clearing member's firm account and/or proprietary X-M account at OCC for the purpose of receiving more favorable clearing margin treatment.<sup>4</sup> The proposed rule change creates a definition of Member Affiliate that consists of the relevant portion of the existing definition of Related Person in OCC's By-Laws. (for the sake of economy of expression and consistency, OCC proposes to replace that portion of the Related Person definition used to define Member Affiliate with the term Member Affiliate.) The proposed rule change then modifies the definition of Non-Customer to include a Member Affiliate that has executed a non-conforming subordination agreement<sup>5</sup> that has been approved by the clearing member's designated examining authority.

Additionally, the proposed rule change modifies the definition of Related Person to eliminate redundancies and to more closely parallel 17 CFR 1.3(y), which defines "proprietary account" for the purposes of the Commodity Exchange Act's regulations.<sup>6</sup> The proposed rule no longer refers to spouses of "any such person" (i.e., any officer, director, or general or special partner) which was redundant because the rule already covers spouses of "any non-customer of the clearing member" and the definition of Non-Customer includes officers, directors, or general or special partners. Additionally, in order to conform OCC rules with Section 1.3(y)'s definition of "proprietary account" the proposed rule

<sup>3</sup> 17 CFR 240.8c-1 and 15c2-1.

<sup>4</sup> See also no-action letter from Michael A. Macchiaroli, Associate Director, Division of Market Regulation, Commission, to William H. Navin, Executive Vice President and General Counsel, OCC, (June 15, 2000).

<sup>5</sup> Non-conforming subordination agreements are subordination agreements that do not meet the requirements of Appendix D of Rule 15c3-1.

<sup>6</sup> As defined, a Related Person is essentially a person whose account would be a "proprietary account" under the rules of the Commodity Futures Trading Commission but who is nevertheless a "customer" for purposes of the Commission's hypothecation rules cited above. Market Makers who are Related Persons of a clearing member are deemed to be Associated Market Makers and are excluded from the Combined Market Maker Account under Article VI, Section 3(c) of OCC's By-Laws.

change clarifies that not only are spouses and minor dependents of non-customers Related Persons but also that the spouses and minor dependents of certain employees are also Related Persons.

The proposed rule change is consistent with the purpose and requirements of Section 17A of the Act<sup>7</sup> and the rules and regulations thereunder applicable to OCC because the proposed rule change will assure the safeguarding of securities and funds which are in OCC's custody or control and for which OCC is responsible, foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, protect investors and the public interest.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

OCC does not believe that the proposed rule change will have any impact or impose any 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 not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within thirty-five 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 ninety 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 organization 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, including whether the proposed rule change is consistent with the Act. Persons making written submissions

<sup>7</sup> 15 U.S.C. 78q-1.

should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. 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 also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-99-15 and should be submitted by October 6, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 00-23735 Filed 9-14-00; 8:45 am]

BILLING CODE 8010-01-M

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3292]**

**State of Alabama**

Autauga County and the contiguous counties of Chilton, Dallas, Elmore, Lowmes, and Montgomery in the State of Alabama constitute a disaster area due to damages caused by flash flooding that occurred on September 1, 2000.

Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 9, 2000 and for economic injury until the close of business on June 8, 2001 at the address listed below or other locally announced locations:

U.S. Small Business Administration,  
Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308

The interest rates are:

|  |       |
|--|-------|
| For Physical Damage:   |       |
| Homeowners with credit available elsewhere .....                                 | 7.375 |
| Homeowners without credit available elsewhere .....                              | 3.687 |
| Businesses with credit available elsewhere .....                                 | 8.000 |
| Businesses and non-profit organizations without credit available elsewhere ..... | 4.000 |

<sup>8</sup> 17 CFR 200.30-3(a)(12).

|   |       |
|---|-------|
| Others (including non-profit organizations) with credit available elsewhere .....                         | 6.750 |
| For Economic Injury:<br>Businesses and small agricultural cooperatives without credit available elsewhere | 4.000 |

The numbers assigned to this disaster are 329206 for physical damage and 9I7600 for economic injury.

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

Dated: September 8, 2000.

**Aida Alvarez,**  
*Administrator.*

[FR Doc. 00-23759 Filed 9-14-00; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3291]**

**State of Idaho**

As a result of the President's major disaster declaration on September 1, 2000, I find that the following Counties and Indian Reservation in the State of Idaho constitute a disaster area due to damages caused by wildfires beginning on July 27, 2000 and continuing: Bannock, Boise, Clearwater, Elmore, Idaho, Jerome, Lemhi, Lewis, and Power Counties, and the Fort Hall Indian Reservation. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 31, 2000, and for loans for economic injury until the close of business on June 1, 2001 at the address listed below or other locally announced locations:

U.S. Small Business Administration,  
Disaster Area 4 Office, P.O. Box  
13795, Sacramento, CA 95853-4795

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Ada, Adams, Bingham, Blaine, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Gem, Gooding, Latah, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Shoshone, Twin Falls, and Valley Counties in Idaho, and Wallowa County, Oregon. All contiguous counties in the State of Montana have been declared under a separate declaration for that State.

The interest rates are:

|  | Percent |
|--|---------|
| For Physical Damage:<br>Homeowners with credit available elsewhere ..... | 7.375   |
| Homeowners without credit available elsewhere .....                      | 3.687   |

|   | Percent |
|---|---------|
| 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 .....                         | 6.750   |
| For Economic Injury:<br>Businesses and small agricultural cooperatives without credit available elsewhere | 4.000   |

The number assigned to this disaster for physical damage is 329105. For economic injury the numbers are 9I5600 for Idaho and 9I5700 for Oregon.

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

Dated: September 5, 2000.

**Herbert L. Mitchell,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 00-23760 Filed 9-14-00; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3271]**

**State of Minnesota (Amendment #6)**

In accordance with information received from the Federal Emergency Management Agency, the above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damage as a result of this disaster for victims located in Dakota County, Minnesota to September 12, 2000.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage for Yellow Medicine and Chippewa Counties is September 25. For all other counties the physical deadline expired on August 29. For economic injury the deadline is March 30, 2001.

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

Dated: September 1, 2000.

**Becky C. Brantley,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 00-23762 Filed 9-14-00; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3290]**

**State of Montana**

As a result of the President's major disaster declaration on August 30, 2000, I find that the following Counties and

Indian Reservations in the State of Montana constitute a disaster area due to damages caused by wildfires beginning on July 13, 2000 and continuing: Beaverhead, Broadwater, Carbon, Cascade, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Jefferson, Judith Basin, Lake, Lewis and Clark, Lincoln, Madison, Meagher, Mineral, Missoula, Park, Pondera, Powell, Ravalli, Sanders, Silver Bow, Stillwater, Sweet Grass, Teton, and Wheatland Counties, and the Flathead and Blackfeet Indian Reservations.

Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 29, 2000, and for loans for economic injury until the close of business on May 30, 2001 at the address listed below or other locally announced locations:

U.S. Small Business Administration,  
Disaster Area 3 Office, 4400 Amon  
Carter Blvd., Suite 102, Fort Worth,  
TX 76155

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Big Horn, Chouteau, Fergus, Golden Valley, Liberty, Toole, and Yellowstone Counties in Montana; Bonner, Boundary, and Fremont Counties in Idaho; and Big Horn, Park and Teton Counties in Wyoming. Any Idaho counties contiguous to the above-named primary counties and not listed herein have been declared under a separate declaration for that State.

The interest rates are:

|   |       |
|---|-------|
| For Physical Damage:<br>Homeowners with credit available elsewhere .....                                  | 7.375 |
| Homeowners without credit available elsewhere .....   | 3.687 |
| 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 .....                         | 6.750 |
| For Economic Injury:<br>Businesses and small agricultural cooperatives without credit available elsewhere | 4.000 |

The number assigned to this disaster for physical damage is 329005.

For economic injury the numbers are 9I4800 for Montana, 9I4900 for Idaho, and 9I5000 for Wyoming.

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