

(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 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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 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, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR-PSE-96-15 and should be submitted by August 14, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-18714 Filed 7-23-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37453; File No. SR-PHLX-96-16]

**Self-Regulatory Organizations;
Philadelphia Stock Exchange, Inc.;
Order Granting Approval to Proposed
Rule Change Relating to Listing
Standards**

July 18, 1996.

On May 20, 1996, the Philadelphia Stock Exchange, Inc. ("PHLX" 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 a drafting error that occurred in PHLX Rule 804(2) pertaining to listing criteria.³

The proposed rule change was published for comment in Securities Exchange Act Release No. 37279 (June 5, 1996), 61 FR 29782 (June 12, 1996). No comments were received on the proposal.

Currently, PHLX Rules 803 through 805 describe a two-tier structure for listing common stock, preferred stock, bonds and debentures, various types of warrants, contingent value rights, and other securities.⁴ For Tier I securities, two alternative minimum listing standards are described. PHLX Rule 803 sets forth the first alternative ("Alternative 1"), while PHLX Rule 804 sets forth the second alternative ("Alternative 2"), which is geared toward mid-sized and research and development companies. Both rules are based substantially upon the Memorandum of Understanding ("MOU") on the uniform model marketplace exemption that had been approved by the National Association of Securities Dealers, Inc. ("NASD") and the North American Securities Administrators Association, Inc. ("NASAA").⁵

The current PHLX Rule 804(2) sets forth a general requirement that the public float for issuers is 1,000,000 shares, with an additional shareholder requirement that the issuer have at least 800 public shareholders if the issuer has between 500,000 and 1,000,000 shares publicly held, or at least 400 public shareholders if the issuer has either over (i) 1,000,000 shares publicly held, or (ii)

over 500,000 shares publicly held and average daily trading volume in excess of 2,000 shares per day for a six-month period preceding the date of application.

The Exchange proposes to amend this rule to provide that issuers seeking to list pursuant to Rule 804 must show that there are at least 1,000,000 shares publicly held and at least 400 public shareholders in the security. The Exchange states that the current Rule 804 incorrectly incorporated some of the language from the public float/public shareholder requirements in Alternative 1 for Tier I securities set forth in Rule 803.

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).⁶ In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between issuers.

The Commission believes that the proposal is consistent with the purposes of the Act in that the amended Rule 804(2) will reflect the original intent of the Exchange and the MOU. In addition, the amendment to the rule is not a substantive change. Rule 804(2) sets forth a requirement that the public float for Tier I issuers under Alternative 2 must be at least 1,000,000 shares.⁷ The holder requirement in current Rule 804(2) states that an issuer listing under Alternative 2 must have either (1) a minimum of 800 public shareholders if the issuer has between 500,000 and 1,000,000 shares, or (2) a minimum of 400 public shareholders if the issuer has either (i) over 1,000,000 shares publicly held or (ii) over 500,000 shares publicly held and average daily volume in excess of 2,000 shares per day for a six-month period preceding the date of application. Because the minimum public float requirement for companies listing under this alternative is 1,000,000 shares, an issuer can never be eligible to have less public float by meeting the higher 800 public shareholder requirement or the trading

¹ 15 U.S.C. § 78s(b)(1) (1996).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 34235 (June 17, 1994), 59 FR 32736 (June 24, 1994) (File No. SR-PHLX-93-31) (order approving proposed rule change establishing new listing and maintenance standards).

⁴ *Id.*

⁵ See Securities Act Release No. 6810 (Dec. 6, 1988) (publicizing the release of the MOU).

⁶ 15 U.S.C. § 78f(b).

⁷ As originally drafted, Rule 804(2) states that the public float of an issuer must be "1,000,000 shares." The Exchange clarified the public float requirement by stating in amended Rule 804(2) that the public float must be "at least 1,000,000 shares."

¹³ 17 CFR 200.30-3(a)(12).

volume test noted above. Accordingly, the changes in PHLX Rule 804(2) will eliminate any confusion about the minimum holder and public float requirements and will, as originally intended, make clear that the minimum listing requirement under this alternative is at least 1,000,000 shares publicly held with at least 400 public shareholders.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁸ that the proposed rule change (SR-PHLX-96-16) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-18798 Filed 7-23-96; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2861]

Indiana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on July 3, 1996, I find that Crawford, Dearborn, Franklin, Harrison, Lawrence, Martin, Orange, Vanderburg, Warrick, and Washington Counties in the State of Indiana constitute a disaster area due to damages caused by severe storms and flooding which occurred April 28 through May 25, 1996. Applications for loans for physical damages may be filed until the close of business on August 31, 1996, and for loans for economic injury until the close of business on March 3, 1997 at the address listed below:

U.S. Small Business Administration,
Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308
or other locally announced locations. 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: Clark, Daviess, Decatur, Dubois, Fayette, Floyd, Gibson, Greene, Jackson, Monroe, Ohio, Perry, Pike, Posey, Ripley, Rush, Scott, Spencer, and Union Counties in Indiana; Butler and Hamilton Counties in Ohio; and Boone, Bullitt, Daviess, Hardin, Henderson, Jefferson, and Meade Counties in Kentucky.

Interest rates are:

	Percent
For Physical Damage:	

	Percent
Homeowners with credit available elsewhere	7.250
Homeowners without credit available elsewhere	3.625
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	7.125
For Economic Injury: Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 286106. For economic injury the numbers are 891800 for Indiana, 891900 for Ohio, and 892000 for Kentucky.

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

Dated: July 11, 1996.

Bernard Kulik,
Associate Administrator for Disaster Assistance.

[FR Doc. 96-18752 Filed 7-23-96; 8:45 am]

BILLING CODE 8025-01-P

[Declaration of Disaster Loan Area #2872]

Kentucky (And Contiguous Counties in Ohio); Declaration of Disaster Loan Area

Kenton County and the contiguous counties of Boone, Campbell, Grant, and Pendleton in the State of Kentucky, and Hamilton County in the State of Ohio constitute a disaster area as a result of damages caused by severe storms and flooding which occurred June 30 through July 1, 1996. Applications for loans for physical damage may be filed until the close of business on Sept. 12, 1996 and for economic injury until the close of business on April 14, 1997 at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.625
Homeowners without credit available elsewhere	3.875
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000

	Percent
Others (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury: Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster for physical damage are 287206 for Kentucky and 287306 for Ohio.

For economic injury the numbers are 895600 for Kentucky and 895700 for Ohio.

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

Dated: July 12, 1996.

Philip Lader,

Administrator.

[FR Doc. 96-18751 Filed 7-23-96; 8:45 am]

BILLING CODE 8025-01-P

[Declaration of Disaster Loan Area #2874]

U.S. Territory of the Virgin Islands; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on July 11, 1996, I find that the Islands of St. Croix, St. John, and St. Tomas in the U.S. Virgin Islands constitute a disaster area due to damages caused by Hurricane Bertha which occurred on July 8 and 9, 1996. Applications for loans for physical damages may be filed until the close of business on September 9, 1996, and for loans for economic injury until the close of business on April 11, 1997 at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd. South, 3rd Fl. Niagara Falls, NY 14303.
or other locally announced locations.

Interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	7.625
Homeowners Without Credit Available Elsewhere	3.875
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	7.125
For Economic Injury: Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 287408 and for economic injury the number is 895800.

⁸ 15 U.S.C. § 78s(b)(2) (1996).

⁹ 17 CFR 200.30-3(a)(12).