

approving members to be qualified independent underwriters.

NASD Regulation believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act.⁹ In that the deletion of the net income requirement for qualified independent underwriters will eliminate a possible burden on competition that is not necessary in furtherance of the purposes of the Act and will allow the staff to focus on the more substantive requirements for a qualified independent underwriter in the interest of the public and the protection of investors.

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

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

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

Written comments 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, 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-97-45, and should be submitted by August 7, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 97-18833 Filed 7-16-97; 8:45 am]
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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-38830; File No. SR-PCX-97-26]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Public Exchange, Inc. Relating to the Member Surcharge in Arbitration Proceedings

July 10, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4² thereunder, notice is hereby given that on June 27, 1997, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange.³ 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 Exchange submits this proposed rule change to amend Rule 12.32 of the Rules of the Board of Governors of the Exchange relating to the member surcharge in arbitration proceedings. Additions are italicized; deletions are bracketed.

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. § 78s(b)(1) (1988).

² 17 CFR 240.19b-4 (1991).

³ This proposed rule change replaces SR-PCX-97-20, which has been withdrawn. Letter from Rosemary A. MacGuinness, Director of Arbitration, PCX, to Ivette Lopez, Assistant Director, SEC, dated June 26, 1997.

Member Surcharge

Rule 12.32(a) Each member, member organization, or associated person who is named a party to an arbitration proceeding, whether in a Claim, Counterclaim, Third-Party Claim, or Crossclaim shall be assessed a [\$200] non-refundable surcharge pursuant to the schedule in Rule 12.32(c) when the Arbitration Department perfects service of the claim naming the member, member organization or associated person on any party to the proceeding. For each associated person who is named, the surcharge shall be assessed against the member(s) or member organization(s) which employed the associated person at the time of the events which gave rise to the dispute, claim or controversy. No member or member organization shall be assessed more than a single surcharge in any arbitration proceeding. The surcharge shall not be subject to reimbursement under Rule 12.31.

(b) For purposes of this Rule, service is perfected when the Arbitration Department properly serves the Respondent(s) to the arbitration proceeding under Rule 12.13(c).

(c) *Schedule of Surcharge Rates:*

Amount in dispute	Surcharge
\$.01-\$10,000	\$100
\$10,000.01-\$50,000	200
\$50,000.01-\$100,000	300
\$100,000.01-\$500,000	350
Over \$500,000	500

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

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

In 1994, the PCX added Rule 12.32 which required any member named as a party to an arbitration proceeding to be assessed a non-refundable, flat \$200 surcharge. The surcharge was instituted to help offset the increased resourcing needs resulting from a number of factors, including case growth, more complex cases being filed and arbitrator training. The flat surcharge currently applies to all cases regardless of the dollar amount in controversy. As a result, a member against whom a \$500 claim had been filed would be required

⁹ 15 U.S.C. 780-3.

to pay the same \$200 fee as a member against whom a \$3,000,000 claim had been filed. Typically, however, a claim for a greater dollar amount expends greater administrative resources and requires a greater expenditure of staff time to process the case, manage the case record and database and provide information on the arbitration service to the customer. In other words, there is generally a correlation between the dollar amount of the claim and the amount of resources the PCX is required to expend to bring the claim to a conclusion. The proposed surcharge is designed to reflect this relationship between the dollar amount of the claim brought against the member and the expenditure of PCX resources. As a result, the PCX proposes to replace the flat surcharge of \$200 in Rule 12.32 with a graduated surcharge based on the amount of the claim. Under the proposed surcharge, members against whom claims of \$10,000 or less are filed would pay a \$100 fee, as opposed to a \$200 fee. Claims between \$10,000 and \$50,000 would require a \$200 fee, claims between \$50,000 and \$100,000 would require a \$300 fee, claims between \$100,000 and \$500,000 would require a \$350 fee and claims over \$500,000 would require a \$500 fee.

PCX believes that the proposed rule change is consistent with the provisions of Section 6(b)(4) of the Act which require that the rules of the Exchange provide for the equitable allocation of reasonable dues, fees and other charges among members in that the proposed rule fairly adjusts the surcharge on members for new cases to more closely reflect the costs associated with resolving controversies involving varying amounts in dispute.

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

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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

The Exchange has designated this proposal as establishing or changing a due, fee or other charge under Section

19(b)(3)(A) of the Act⁴ and subparagraph (e) of the Rule 19b-4,⁵ which renders the proposed rule change effective on June 27, 1997, the date of receipt of this filing by the Commission.

At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. People 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 Room. Copies of the filing will also be available for inspection and copying at the PCX's principal offices. All submissions should refer to File No. SR-PCX-97-26 and should be submitted by August 7, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁶

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 97-18764 Filed 7-16-97; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Advisory Committee on Veterans' Business Affairs Public Meeting

The Advisory Committee on Veterans' Business Affairs of the U.S. Small Business Administration will hold a public meeting at 10:00 am on Wednesday, July 30, 1997, at the headquarters office of the U.S. Small Business Administration, located at 409 Third Street, SW., Washington, DC, to

⁴ 15 U.S.C. § 78s(b)(3)(A).

⁵ 17 CFR 240.19b-4(e).

⁶ 17 CFR 200.30-3(a)(12).

discuss the SBA's Veterans' program and other such related matters as may be presented.

For further information write or call Leon J. Bechet, Assistant Administrator for Veterans' Affairs, U.S. Small Business Administration, 409 Third Street, S.W., Washington, DC 20416, (202) 205-6773.

Dated: July 10, 1997.

Michael P. Novelli,

Director, National Advisory Council.

[FR Doc. 97-18855 Filed 7-16-97; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Region V—Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration—Region V—Wisconsin State Advisory Council, located in the geographical area of Milwaukee, Wisconsin, will hold a public meeting from 12:00 p.m. to 1:00 p.m., on Monday, July 28, 1997, at Metro Milwaukee Area Chamber (MMAC) Association of Commerce Building, 756 North Milwaukee Street, Fourth Floor—The Milwaukee Room, Milwaukee, Wisconsin, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending. For further information, write or call Kimberly R. West, at the U.S. Small Business Administration, 310 W. Wisconsin Ave., Room 400, Milwaukee, Wisconsin 53029, telephone (414) 297-1092.

Dated: July 10, 1997.

Michael P. Novelli,

Director, Office of Advisory Councils.

[FR Doc. 97-18854 Filed 7-16-97; 8:45 am]

BILLING CODE 8025-01-P-M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Request for Emergency Review by the Office of Management and Budget

The Social Security Administration publishes a list of information collection packages that will require clearance by OMB in compliance with Pub. L. 104-13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collection listed below has been submitted to OMB for emergency clearance. OMB approval has been requested by July 25, 1997:

0960-NEW. The information collected on form SSA-6233 will be used by the