

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41811; File No. SR-CBOE-99-46]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Market-Maker Surcharges

August 30, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 23, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items

have been prepared by the CBOE. On August 23, 1999, the CBOE filed with the Commission Amendment No. 1 to the proposed rule change.³ The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

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

The CBOE is proposing to make changes to its fee schedule pursuant to CBOE Rule 2.40, *Market-Maker Surcharge for Brokerage*.⁴

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 CBOE 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 CBOE 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

1. Purpose

Pursuant to CBOE Rule 2.40, on August 20, 1999, the Equity Floor Procedure Committee approved the following fees for the following option classes:

Option class	Market-maker surcharge (per contract)	Order book official brokerage rate (per contract) ⁵
Coca-Cola (KO)	\$0.03	\$0.00
Johnson and Johnson (JNJ)	0.07	0.00

These fees will be assessed on Monday, August 23, 1999. Exchange Rules provide that an option be listed for trading on another exchange before a surcharge fee can be assessed. Thus, since these classes have been certified by the Options Clearing Corporation to be listed on the Philadelphia Stock Exchange, and are proposed to be listed for trading on Monday August 23, 1999, the CBOE will assess these three surcharges on that date. The Exchange interprets its rules to allow the Equity Floor Procedure Committee to vote on market-maker surcharges before the class has been listed for trading on another exchange. However, the Rule provides that the surcharge may not actually be assessed until the class has been listed for trading on another exchange. These fees will remain in effect until such time as the Equity Floor Procedure Committee or the Board determines to change these fees and files the appropriate rule change with the Commission.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(4)⁶ of the Act in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members.

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.

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

Not written comments were solicited or received with respect to the proposed rule change.

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

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A)(ii)⁷ of the Act and subparagraph (f)(2) of Rule 18b-4 thereunder.⁸ At any time within 60 days of the date of 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.⁹

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 should file six copies thereof with the Secretary, Securities and Exchange

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1, the Exchange eliminated a proposed surcharge in an options class that is no longer eligible for the surcharge program. See letter from Stephanie C. Mullins, Attorney, CBO, to Kenneth Rosen, Attorney, Division of market Regulation, Commission, dated August 23, 1999 ("Amendment No. 1").

⁴ See Securities Exchange Act Release No. 41121 (February 26, 1999), 64 FR 11523 (March 9, 1999) (order approving CBOE Rule 2.40).

⁵ The surcharge will be used to reimburse the Exchange for the reduction in the Order Book Official brokerage rate from \$0.20 in the relevant option classes. Any remaining funds will be paid to Stationary Floor Brokers as provided in Exchange Rule 2.40.

⁶ 15 U.S.C. 78f(b)(4).

⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

⁸ 17 CFR 240.19b-4(f)(2).

⁹ In reviewing this proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

Commission, 450 Fifth Street, N.W., Washington, D.C. 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 at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR-CBOE-99-46 and should be submitted by September 29, 1999.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-23238 Filed 9-7-99; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice No. 3083]

Shipping Coordinating Committee; Subcommittee on Ocean Dumping; Notice of Meeting

The Subcommittee on Ocean Dumping of the Shipping Coordinating Committee will hold an open meeting on September 17, 1999 from 1:30 pm to 3:30 pm to obtain public comment on the issues to be addressed at the October 4-8, 1999 Twenty-first Consultative Meeting of the Contracting Parties to the London Convention, which is the global international treaty regulating ocean dumping. The meeting will also review the results of the Twenty-second Scientific Group Meeting of the London Convention held in May 1999.

The meeting will be held at Environmental Protection Agency offices located at the Fairchild Building, 499 South Capitol Street SW, Washington, DC 20003, Room 809. Interested members of the public are invited to attend, up to the capacity of the room.

For further information, please contact Mr. David Redford, Acting Chief, Marine Pollution Control Branch, telephone (202) 260-1952.

Dated: September 2, 1999.

Susan K. Bennett,

Director, Office of Transportation Policy.

[FR Doc. 99-23423 Filed 9-3-99; 2:49 am]

BILLING CODE 4710-07-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular (AC) 23-XX-29, Systems and Equipment Guide for Certification of Part 23 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) AC 23-XX-29 and request for comments.

SUMMARY: This notice announces the availability of and request for comments on proposed AC 23-XX-29, Systems and Equipment Guide for Certification of Part 23 Airplanes. This proposed AC provides information and guidance concerning an acceptable means, but not the only means, of showing compliance with Title 14 Code of Federal Regulations (14 CFR) part 23, subpart D from § 23.671 and subpart F, which is applicable to the certification of systems and equipment in normal, utility, acrobatic, and commuter category airplanes. This proposed AC consolidates existing policy documents, and certain AC's that cover specific paragraphs of the regulations, into a single document. This material is neither mandatory nor regulatory in nature and does not constitute a regulation.

DATES: Comments must be received on or before November 8, 1999.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Small Airplane Directorate, Regulations & Policy Branch (ACE-111), 601 East 12th Street, Kansas City, Missouri 64106. You may also submit comments on the internet to: pat.nininger@faa.gov.

FOR FURTHER INFORMATION CONTACT: Les Taylor, Standards Office, (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration; telephone number (816) 426-6941.

SUPPLEMENTARY INFORMATION:

Comments Invited

Any person may obtain a copy of this proposed AC by contacting the person named above under the **FOR FURTHER INFORMATION CONTACT** section or on the internet at: <http://www.faa.gov/avr/air/airhome.htm>. We invite interested

parties to submit comments on the proposed AC by electronic mail to the **ADDRESSES** section specified above. Commenters must identify the AC title and number when submitting any comments. The FAA will consider all communications received on or before the closing date for comments before issuing the final AC. The proposed AC and comments received may be inspected at the Standards Office (ACE-110), Suite 900, 1201 Walnut, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. weekdays, except on Federal holidays.

Background

In 1968, the Federal Aviation Administration (FAA) instituted an extensive review of the airworthiness standards of part 23. Since then, the regulations have been amended through Amendment 23-52. These amendments have changed most of the sections of part 23. This document is intended to provide guidance for the original issue of part 23 and the various amendments. This version of the advisory circular covers policy available through June 30, 1994. Policy that became available after June 30, 1994, will be covered in future amendments to the advisory circular.

Issued in Kansas City, Missouri, on August 27, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-23292 Filed 9-7-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: SR 20 (Sharpes Corner to SR 536) Skagit County, WA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent and notice of scoping.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared to evaluate potential solutions to identify safety problems and traffic congestions along SR 20 in Skagit County, Washington.

FOR FURTHER INFORMATION CONTACT: Gene Fong, Federal Highway Administration, 711 South Capital Way, Suite 501, Olympia, Washington 98501, Telephone: (360) 753-9480; or John Okamoto, Washington State Department of Transportation, Northwest Region,

¹⁰ 17 CFR 200.30-3(a)(12).