

data on those applicants is collected as part of an application process that is not required for Outstanding Scholars.

The form OPM-1386 is not considered in the selection process, but is used only to collect statistical data.

Annual Reporting Burden

Approximately 100,000 forms will be processed annually. The average estimated response time is 8 minutes for a total public burden of 13,300 hours.

U.S. Office of Personnel Management.

James B. King,

Director.

[FR Doc. 95-26434 Filed 10-26-95; 8:45 am]

BILLING CODE 6325-01-M

POSTAL SERVICE

Intent To Prepare an Environmental Impact Report/Environmental Impact Statement: Rincon Hill Sports and Entertainment Center, San Francisco, CA; Change in Date and Location of Scoping Meeting

AGENCY: Postal Service.

ACTION: Notice of rescheduled meeting.

FEDERAL REGISTER CITATION OF THE PREVIOUS ANNOUNCEMENT: 60 FR 52712 (October 10, 1995).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: The public was invited to attend a scoping meeting scheduled for 7 p.m. on October 24, 1995, at the San Francisco Marriott, 55 Fourth Street, San Francisco, California.

CHANGES IN THE MEETING: The public is now invited to attend the rescheduled scoping meeting at 7 p.m. on November 14, 1995, at the Hyatt Regency Hotel, Five Embarcadero Center, San Francisco, California.

CONTACT PERSON FOR MORE INFORMATION: David Klement, (415) 794-6343.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95-26752 Filed 10-24-95; 4:48 pm]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-36404; File No. SR-NYSE-95-28]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to a One-Year Extension of the Pilot for Auxiliary Closing Procedures for Expiration Days

October 20, 1995.

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 September 14, 1995, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change, and on October 13, 1995, filed Amendment No. 1 to the proposed rule change,³ as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. While the NYSE has not requested accelerated approval of the proposal, the Commission is issuing this order on an accelerated basis because the auxiliary closing procedures are scheduled to expire on October 1995.

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

The Exchange proposes to extend the pilot for auxiliary closing procedures for market-at-the-close ("MOC") orders⁴ utilized on expiration Fridays⁵ and quarterly expiration days⁶ through October 31, 1996.

¹ 15 U.S.C. § 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Letter from Brian McNamara, Vice President, NYSE to Glen Barrentine, Team Leader, Division of Market Regulation, SEC, dated October 13, 1995.

⁴ A MOC order is a market order to be executed in its entirety at the closing price on the Exchange. See NYSE Rule 13.

⁵ The term "expiration Friday" refers to the trading day, usually the third Friday of the month, when various stock index futures, stock index options and options on stock index futures expire or settle concurrently.

⁶ The term "quarterly expiration day" refers to the last trading day of each quarter on which end of calendar quarter index options expire.

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 self-regulatory organization 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

Special procedures regarding the entry of MOC orders on expiration Fridays were originally adopted in 1986 for assisting in handling the order flow associated with the concurrent quarterly expiration of stock index futures, stock index options, and options on stock index futures on expiration Fridays.⁷ Since November 1988, auxiliary closing procedures⁸ for MOC orders have been used, on a pilot basis, for each monthly expiration and have been applied to the so-called "pilot stocks."⁹ In April 1992, the Exchange modified the pilot procedures and included additional special procedures for handling MOC orders in *all* stocks on expiration Fridays.¹⁰ In March 1993, the Exchange

⁷ See Securities Exchange Act Release No. 24926 (September 17, 1987), 52 FR 24926 (approving File No. SR-NYSE-87-32 and noting that the MOC procedures described therein had been utilized on a quarterly basis since September 1986).

⁸ The NYSE auxiliary closing procedures for expiration Fridays were initially approved by the Commission on a pilot basis for a one-year period beginning in November 1988 and extending through October 1989. The pilot has since been extended each year on a one-year pilot basis. See Securities Exchange Act Release Nos. 26293 (November 17, 1988), 53 FR 47599; 26408 (December 29, 1988), 54 FR 343 (approving File No. SR-NYSE-88-37); 27448 (November 16, 1989), 54 FR 48343 (approving File No. SR-NYSE-89-38); 28564 (October 22, 1990), 55 FR 43427 (approving File No. SR-NYSE-90-49); 29871 (October 28, 1991), 56 FR 30004 (approving File No. SR-NYSE-91-31); 31386 (October 30, 1992), 57 FR 52814 (approving File No. SR-NYSE-92-30); 32868 (September 10, 1993), 58 FR 48687 (approving File No. SR-NYSE-93-33); and 34916 (October 31, 1994), 59 FR 55507 (approving File No. SR-NYSE-94-32).

⁹ The expiration Friday pilot stocks consist of the 50 most highly capitalized Standard & Poor's ("S&P") 500 stocks and any component stocks of the Major Market Index ("MMI") not included therein.

¹⁰ In April 1992, the Commission approved the Exchange's modified pilot MOC procedures on an accelerated temporary basis for the April 1992

extended its application of the expiration Friday auxiliary closing procedures¹¹ to days on which Quarterly Index Expiration options expire.¹² In September 1993, the Exchange again modified the pilot procedures by changing the cut-off time for entry, cancellation, and reduction of MOC orders to 3:40 p.m.¹³ In June 1995, the Exchange put into effect modified MOC procedures for expiration days by setting a 3:40 p.m. deadline for the entry of *all* MOC orders in *all* stocks, except to offset imbalances in pilot stocks that are published on the tape.¹⁴

The current procedures for expiration days require that MOC orders in any stock, except those used to offset a published imbalance, be entered for execution by 3:40 p.m. and that no cancellation or reduction of any MOC order in any stock take place after 3:40 p.m. (except in case of legitimate error). This applies to MOC orders in all stocks regardless of whether such orders relate to a strategy involving stock index futures, stock index options, or options on stock index futures. In addition, Floor brokers representing any MOC orders must indicate their MOC interest to the specialist by 3:40 p.m.

For the pilot stocks, a single publication of imbalances of 50,000 shares or more is made as soon as practicable after 3:40 p.m. After the imbalance publication, MOC orders in pilot stocks may be entered only to offset a published imbalance. The entry of MOC orders after 3:40 p.m. to establish or liquidate positions related to a strategy involving derivative

expiration Friday. See Securities Exchange Act Release No. 30570 (April 10, 1992), 57 FR 13399 (notice of filing and order granting partial accelerated approval of File No. SR-NYSE-92-09). Thereafter, the Commission approved those modifications for all expiration Fridays during the pilot period. See Securities Exchange Act Release No. 30680 (May 8, 1992), 57 FR 20720 (order approving File No. SR-NYSE-92-09).

¹¹ See Securities Exchange Act Release No. 32066 (March 30, 1993), 58 FR 17630 (approving File No. SR-NYSE-93-16).

¹² On quarterly expiration days, the "pilot stocks" include the ten highest weighted stocks of the S&P Midcap 400 Index (in addition to the 50 highest weighted stocks underlying the S&P 500 Index and any component stocks of the Major Market Index not included in that group).

¹³ See Securities Exchange Act Release No. 32868 (September 10, 1993), 58 FR 48687 (order approving File No. SR-NYSE-93-33).

¹⁴ See Securities Exchange Act Release No. 35589 (April 10, 1995), 60 FR 19313 (April 17, 1995) (order approving File No. SR-NYSE-94-44). Although approved by the SEC in April, the Exchange did not put these procedures into effect until June 1995. Prior to April 1995, only MOC orders related to a strategy involving derivative index products were required to be entered for execution by 3:40 p.m. on expiration days. See Securities Exchange Act Release No. 34916 (October 31, 1994), 59 FR 55507 (November 7, 1994) (order approving File No. SR-NYSE-94-32).

instruments is not permitted even if such orders might offset published imbalances.

Pursuant to Amendment No. 1, the Exchange has proposed an amendment of the above pilot for auxiliary closing procedures for MOC orders to allow for imbalance publications of 50,000 shares or more to be made not only in the so-called pilot stocks, but also in stocks added to or dropped from an index, and in any other stock if requested by a specialist and approved by a Floor Official.

The auxiliary procedures utilized for expiration days have been approved as a pilot on a yearly basis and are due to expire on October 31, 1995. These procedures have been effective in minimizing excess volatility on the close on expiration days. The Exchange requests that the procedures described above be extended to October 31, 1996.

The Exchange continues to believe, however, that concerns about excess market volatility that may be associated with the expiration or settlement of derivative index products would be most appropriately addressed if the expiration or settlement value of all such products were based on the NYSE *opening* rather than the closing price on the last business day prior to the expiration or settlement of the product.

2. Statutory Basis

The basis under the Act for the proposed rule change is the requirement under Section 6(b)(5) that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.¹⁵ The auxiliary closing procedures protect investors and the public interest by alleviating excess volatility at the close on expiration days.

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

The Exchange 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

No written comments were either solicited or received.

III. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the NYSE's proposal to extend the pilot for closing procedures on expiration days and to allow for imbalance publications of 50,000 shares or more to be made not only in the so-called pilot stocks, but also in stocks added to or dropped from an index, and in any other stock if requested by a specialist and approved by a Floor Official, through October 1996, 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) of the Act.¹⁶ In particular, the Commission believes that the proposal, as amended, is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest. For the reasons set forth below, the Commission believes that NYSE's proposal furthers the objectives of Section 6(b)(5) of the Act.

In recent years, the self-regulatory organizations have instituted certain safeguards to minimize excess market volatility that may arise from the liquidation of stock positions on expiration and non-expiration days. Special procedures regarding the entry of MOC orders on expiration Fridays were first used in 1986 for assisting in handling the order flow associated with the concurrent quarterly expiration of stock index futures, stock index options and options on stock index futures on expiration Fridays. Since November 1988, on a pilot basis, the NYSE has utilized auxiliary closing procedures for MOC orders for each monthly expiration Friday. In March 1993, the Exchange extended the expiration Friday closing procedures to days on which Quarterly Index Expiration options expire. The closing procedures for expiration Fridays and quarterly expiration days (cumulatively, "expiration days") require that all MOC orders be entered, reduced or cancelled no later than 3:40 p.m. As soon as practicable after 3:40 p.m., the specialist must disseminate any MOC order imbalance of 50,000 shares or more in pilot stocks. After 3:40 p.m. MOC orders may be entered in the pilot stocks, but only to offset the published imbalance. That is, once an imbalance in a pilot stock has been published, any MOC orders

¹⁵ 15 U.S.C. § 78f(b)(5).

¹⁶ U.S.C. § 78f(b).

subsequently entered in such pilot stock will be accepted only to trade on the opposite side of the market in relation to such published imbalance. These procedures allow NYSE specialists to obtain an indication of the buying and selling interest in MOC orders at expiration and, if there is a substantial imbalance on one side of the market, to provide the investing public with timely and reliable notice thereof and with an opportunity to make appropriate investment decisions in response thereto.

The Commission believes that these auxiliary closing procedures should enable market participants to gain a more accurate picture of the buying and selling interest in MOC orders at expiration. By requiring early submission of MOC orders and disseminating significant imbalances (50,000 shares or more) in all stocks, the NYSE should be able to attract contra-side interest to help alleviate imbalances caused by the liquidation of stock positions. Based on the NYSE's experience,¹⁷ the Commission believes that the MOC order handling requirements work relatively well and may result in more orderly markets at the close on expiration days.

Moreover, the Commission believes that approval of Amendment No. 1 should contribute to the overall effectiveness of these auxiliary closing procedures. Currently, on expiration days, specialists may disseminate notices of MOC order imbalances only in the pilot stocks. That is, the expiration day MOC procedures do not allow for the dissemination of notices of MOC order imbalances in any stocks other than the pilot stocks. As a result, on expiration days, the MOC procedures completely prohibit the entry of MOC orders after 3:40 p.m. in all non-pilot stocks. In contrast, the procedures used on non-expiration days allow for the dissemination of notices of MOC order imbalances in all stocks and, therefore, allow for the entry of MOC orders after the 3:50 p.m. cut-off time in all stocks.¹⁸ Approval of Amendment No. 1, which was submitted in response to the

Commission's suggestion,¹⁹ will conform more closely the auxiliary closing procedures used on expiration days with those already permanently approved for non-expiration days. Approval also will ensure that the potentially beneficial effect of the pilot's auxiliary closing procedures will be available to all stocks rather than just the pilot stocks.

The Commission is approving an extension of the pilot program, along with Amendment No. 1, through October 1996. During the pilot extension, the Commission expects the NYSE to continue to monitor closely the effectiveness of the procedures, and to submit a report with all of the same data previously requested for prior periods. The report should cover all expirations through June 1996 and must be submitted to the Commission no later than July 31, 1996²⁰ along with a proposed rule change that should either request an additional extension of the pilot program or permanent approval of the pilot procedures.

The Commission finds good cause for approving the proposed rule change and Amendment No. 1 prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. This rule change will permit the procedures to continue on an uninterrupted basis. In addition, and as previously discussed, Amendment No. 1 will put into place auxiliary closing procedures for expiration days that closely mirror those used on non-expiration days. These non-expiration day procedures were approved on a permanent basis in October 1992 following a full notice period during which no comments were received.²¹ Since that time, the Commission has not been made aware of any concerns regarding the non-expiration day procedures and, therefore, believes that it is appropriate to approve the procedures provided for by Amendment No. 1 on an accelerated basis.

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 at 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 Exchange. All submissions should refer to File No. SR-NYSE-95-28 and should be submitted by November 17, 1995.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²² that the proposed rule change is hereby approved on a pilot basis through October 31, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority,²³

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 95-26701 Filed 10-26-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36406; File No. SR-PHLX-95-75]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to the Price Weighting of the PHLX Forest and Paper Products Sector Index

October 23, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 17, 1995, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹⁷ The NYSE has submitted to the SEC several monitoring reports describing its experience with the closing procedures. The most recent report was submitted to the SEC by the NYSE on July 28, 1995.

¹⁸ The closing procedures for non-expiration days require that all MOC orders be entered, reduced or cancelled no later than 3:50 p.m. As soon as practicable after 3:50, the specialist must disseminate any MOC order imbalance of 50,000 shares or more in pilot stocks, stocks being added to or dropped from an index and, upon the request of a specialist, any other stock with the approval of a Floor Official. After 3:50 p.m., MOC orders may be entered in any stock in which there is a published imbalance, but only to offset the imbalance. See Release No. 35589, *supra* note 14.

¹⁹ See Release No. 35589, *supra* note 14, n.16.

²⁰ The Commission requires that the NYSE also include in the report any additional data and analysis that may be useful in assessing the effectiveness of the procedures currently being used to reduce excess market volatility on expiration Fridays.

²¹ See Securities Exchange Act Release No. 31291 (October 6, 1992), 57 FR 47149 (File No. SR-NYSE-92-12).

²² 15 U.S.C. § 78s(b)(2).

²³ 17 CFR 200.30-3(a)(12).