

on the Exchange, and by providing the Exchange with the resolutions that set forth the facts and reasons supporting the proposed withdrawal.

By letter dated February 4, 1998, the Exchange informed the Company that it would not object to the withdrawal of the Security from listing and registration on the Exchange.

Any interested person may, on or before March 18, 1998, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

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

Jonathan G. Katz,
Secretary.

[FR Doc. 98-5399 Filed 3-2-98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of March 2, 1998.

A closed meeting will be held on Thursday, March 5, 1998, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Unger, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, March 5, 1998, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: February 26, 1998.

Jonathan G. Katz,

Secretary.

[FR Doc. 98-5487 Filed 2-26-98; 4:02 p.m.]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39695; File No. SR-PCX-98-09]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc., Relating to Elimination of Transaction Fees and Recording and Comparison Fees in AMEX Issues, Waiver of Independent Broker Charge, and Badge Replacement Fee

February 24, 1998.

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 February 13, 1998,³ 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. 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 PCX is proposing to make the following changes to its fee structure: (1) To eliminate its transaction fees and its recording and comparison fees for transactions in equity issues listed on

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Exchange previously filed a substantially similar proposed rule change in File No. SR-PCX-98-07 (filed January 29, 1998). The Exchange withdrew that filing on February 13, 1998. See Letter from Michael Pierson, Senior Attorney, PCX, to Karl Varner, Attorney, Division of Market Regulation ("Division"), Commission, dated February 12, 1998.

the American Stock Exchange ("AMEX") and traded on the PCX; (2) to waive its current Independent Broker Charge of \$0.02 per option contract executed by Independent Floor Brokers⁴ on the Options Trading Floor; and (3) to establish a badge replacement fee of \$100 for Options Floor Members and employees of Member Firms.

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 PCX 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 PCX 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

The PCX is proposing to make three changes to its current fee structure, as listed below:

(a) *Elimination of Transaction Fees and Recording and Comparison Fees in AMEX Issues.* The exchange is proposing to eliminate its transaction fees⁵ and its recording and comparison fees⁶ for transactions in equity issues listed on the AMEX and traded at the PCX. Initially, the Exchange will accomplish this by applying a credit to all Member Firms based on their *pro rata* share of volume in AMEX-listed equity issues. Accordingly if 10 percent of a Member Firm's monthly share volume is conducted in AMEX-listed equity issues, the Exchange would credit that Member Firm 10 percent of its transaction fees and its recording and

⁴ The Exchange defines an "Independent Floor Broker" as a Floor Member who executes orders primarily for Market Makers and other Floor Brokers.

⁵ The Exchange calculates transaction fees using an incremental scale based on a member's cumulative billable trade value per month, ranging from a rate of \$0.13 per \$1000 of trade value for the member's first \$50 million of monthly business, down to a rate of \$0.01 per \$1000 of trade value for the member's monthly business above \$800 million. Those rates are subject to a discount for automated trades, and block trades of 5000 or more shares are subject to a minimum charge of \$15 per trade side and a maximum charge of \$75 per trade side. A member's aggregate monthly transaction charges are subject to a cap of \$0.45 per 100 shares.

⁶ The Exchange charges equity recording and comparison fees of \$0.05 per 100 shares, with a maximum of \$10 per trade side.

comparison fees for the trade month.⁷ After the Exchange has adjusted each member's account to reflect the reconciliation, then members will no longer be required to pay transaction fees and recording and comparison fees associated with transactions in AMEX-listed issues.⁸ The changes to the transaction fee schedule and the recording and comparison fee schedule will be effective as of the January 1998 trade month.

The fee change is intended to make the Exchange more competitive by reducing the costs incurred by customers in executing transactions on the Exchange, thus making the Exchange a more cost-effective market center to which to send order flow.

(b) *Waiver of Independent Broker Charge.* The Exchange currently charges Independent Floor Brokers a fee of \$0.02 per option contract executed by the Independent Floor Broker. The Exchange is proposing to waive its current Independent Broker Charge until further notice.⁹ The changes to the Independent Broker Charge will be effective as of the January 1998 trade month.

The Exchange is waiving this charge to help offset the high cost that Independent Floor Brokers incur while conducting business on the Options Floor. The Exchange notes that Independent Floor Brokers perform an important function on the Options Floor, particularly when a large influx of orders needs to be executed. The fee change will help stabilize the number of Independent Floor Brokers on the Options Floor.

(c) *Options Floor Badge Replacement Fee.* The Exchange is proposing to establish an Options Floor Badge Replacement Fee of \$100. Currently, all Options Floor Members and all employees of Member Firms who need to enter the Options Trading Floor are provided, for an initial issuance fee of

\$30, a floor security badge. The badge includes a photograph of the Member or employee of a Member Firm. The badge also includes an electronic code that allows the holder to pass through the turnstiles leading to the Options Floor. The Exchange is proposing to establish a one-time replacement fee of \$100 for these badges. The fee is designed to cover the Exchange's cost of replacing lost, stolen or damaged badges.

(2) Statutory Basis

These proposals are consistent with Section 6(b) of the Act,¹⁰ in general, and Section 6(b)(4),¹¹ in particular, in that they are designed to provide for the equitable allocation of reasonable dues, fees and other charges among its 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 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 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) of the Act¹² and subparagraph (e)(2) of Rule 19b-4¹³ thereunder. At any time within 60 days of the filing of such 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, including whether the proposed rule change is consistent with the Act.¹⁴

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(4).

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(e)(2).

¹⁴ In reviewing these rules, the Commission has considered the proposed rule change's impact on

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 PCX. All submissions should refer to File No. SR-PCX-98-09 and should be submitted by March 24, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁵

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-5400 Filed 3-2-98; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

Small Business Size Standards; Notice of Termination of Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of termination of waiver of the Nonmanufacturer Rule for pineapple juice.

SUMMARY: The Small Business Administration (SBA) is terminating the waiver of the Nonmanufacturer Rule for pineapple juice. The class of products of pineapple juice is identified under Product and Service Code (PSC) 8915 and Standard Industrial Classification (SIC) Code 2033. SBA announced the waiver for pineapple juice in the **Federal Register** on October 2, 1991 (56 FR 49841). This decision to terminate the waiver of the Nonmanufacturer Rule is based on our recent discovery of a small business manufacturer for this class of products. Terminating the waiver will require recipients of contracts set-aside for small or 8(a) businesses to provide the products of small business manufacturers or processors.

efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁵ 17 CFR 200.30-3(a)(12).

⁷ The Exchange currently cannot match a member's transactions in AMEX-listed securities with the exact amount of the associated transaction fees. To determine the transaction fee credit, the Exchange initially will calculate the blended per share transaction fee rate for all of a member's equity transactions in a trade month, and multiply that blended rate by the total volume of AMEX-listed shares the member transacted that month. Once the Exchange is able to exactly match transactions with the associated credits, the Exchange will reconcile prior discrepancies between the fees and the credits associated with transactions in AMEX-listed shares. The Exchange anticipates that it will reconcile such prior discrepancies no later than April 1, 1998.

⁸ See Telephone conversation between Michael Pierson, PCX, and Joshua Kans, Attorney, Division, Commission February 23, 1998.

⁹ Before reinstating the Independent Broker Charge, the Exchange would be required to submit a proposed rule change to the Commission.