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Issue 76-251 (SEC Docket, Vol. 11, No. 3 - January 11) DEC 30 1976

December 29, 1976

RULES AND RELATED MATTERS

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U.S. SECURITIES AND EXCHANCE COMMISSION

AMENDMENT TO RULE 15c3-1 PERTAINING TO TRANSACTIONS IN MUNICIPAL SECURITIES

> The Commission approved amendments to Rule 15c3-1 which continue the suspension of certain provisions of the net capital rule pertaining to transactions in municipal securities until May 1, 1977. The amendments continue the suspension and temporary amendments relating to certain receivables arising from municipal securities underwriting syndicates, relating to undue concentration haircuts on municipal securities, the definition of a "ready market" for municipal securities, and certain alternative net capital requirement for brokers and dealers effecting transactions solely in securities underwriting syndicates. Additional comments are requested by March 1, 1977. (Rel. 34-13113)

DECISIONS IN ADMINISTRATIVE PROCEEDINGS

NASSAR AND CO., INC.'S APPLICATION FOR BROKER-DEALER REGISTRATION DENIED

> The application of Nassar and Co., Inc., of <u>Pittsburgh</u>, <u>Pennsylvania</u>, for registration as a broker and dealer has been denied. The Commission's opinion, which affirmed the initial decision of Administrative Law Judge Irving Schiller, was predicated on the findings made and the sanctions imposed in an earlier case that the Commission decided in February of this year. <u>Richard C. Spangler</u>, Inc., Rel. 34-12104, 8 SEC Docket 1257. In that proceeding the Commission found that Nassar and Co., Inc. and George Nassar, its sole stockholder, had sold the stock of Interamerican Industries, Ltd. by means of "a high-pressure sales effort that lasted for a long time, was unsupported by any semblance of an adequate foundation, and was characterized by grossly reckless price predictions." Accordingly, the Commission at that time revoked the firm's registration and barred George Nassar from association with any broker or dealer.

> Noting that the firm had applied for registration "a mere few months" after its prior registration had been revoked, that Mr. Nassar still owns all of the firm's stock, and that there had been no showing of a change in circumstances, the Commission held that the result reached in the revocation proceeding required that the instant application for the firm's return to the securities business be denied.

The Commission discussed the fact that an appeal from its prior order is pending in the Court of Appeals for the District of Columbia Circuit. But it rejected the firm's contention that the appeal renders the prior order inoperative. The Commission held that its orders under Section 15(b) of the Exchange Act take effect when issued. It quoted with approval one administrative law scholar's comment that "Until a favorable court decision is procured, . . . the administrative decision not only 'stands' but is 'enforced' in the true sense of the word." (Rel. 34-13081)

NASD ACTION AGAINST MELVIN Y. ZUCKER AFFIRMED

The Commission has affirmed sanctions imposed by the NASD on Melvin Y. Zucker, of Portland, Oregon. Zucker was president of United Securities Company of America, formerly an NASD member firm. The NASD censured Zucker and barred him from serving as a principal or in a managerial or supervisory capacity with any member conducting a general securities business other than in mutual funds and/or variable annuities.

The Commission, as had the NASD, found Zucker responsible in connection with his firm's conducting business with substantial net capital deficiencies in late 1972 and early 1973. It also noted that Zucker had previously been disciplined in Commission proceedings for violations of credit extension and recordkeeping provisions, and for deficient supervision. (Rel. 34-13076)

COMMISSION ANNOUNCEMENTS

TRADING IN SECURITIES ISSUED OR GUARANTEED BY THE GOVERNMENT OF HUNGARY

The Commission has issued a release withdrawing its cautionary notice in Securities Exchange Act Release No. 10610 as to the applicability of the Johnson Act (18 U.S.C. 955) to trading in Hungarian bonds. (Rel. 34-13114)

COURT ENFORCEMENT ACTIONS

ARTHUR SOURETIS SENTENCED

The Boston Regional Office announced that on December 9 Arthur Souretis was sentenced to two years, the sentence suspended, probation for two years and a \$2,000 fine following a guilty plea to one count of an indictment charging fraud in the sale of securities of Pollution Dynamics Corporation. (U.S. v. Leslie Zacharias, et al., 74 Crim. 403 G U.S.D.C., MA). (LR-7712)

ARNOLD MALKIN SENTENCED

The Chicago Regional Office announced that on November 10 Arnold Malkin, formerly of Youngstown, Ohio, pleaded guilty to seven counts of an 11 count indictment charging him with violations of U.S. criminal statutes. Malkin was sentenced to two years imprisonment. (U.S. v. Arnold Malkin, U.S.D.C., W.D. Pa., 76-151). (LR-7713)

INVESTMENT COMPANY ACT RELEASES

MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY

An order has been issued on an application of MassMutual Income Investors, Inc. (Fund), a registered closed-end diversified investment company, and Massachusetts Mutual Life Insurance Company (Insurance Company), the Fund's investment adviser, permitting the joint purchase of \$8 million face value of a new issue of notes of Sohio/BP Trans-Alaska Pipeline Capital, Inc., by the Fund and the Insurance Company. (Rel. IC-9583 -Dec. 27)

HOLDING COMPANY ACT RELEASES

OHIO POWER COMPANY

An order has been issued approving a proposal by Ohio Power Company, subsidiary of American Electric Power, to sell 5,230 telephone poles to the United Telephone Company of Ohio, an unaffiliated company. (Rel. 35-19824 - Dec. 28)

LISTING, DELISTING AND UNLISTED TRADING ACTIONS

UNLISTED TRADING SOUGHT

Notices have been issued giving interested persons until January 1 to request a hearing on applications of the following stock exchanges for unlisted trading privileges in the specified securities of the following companies: <u>Philadelphia Stock Exchange</u>. <u>Inc.</u> - Sabine Royalty Corp. (common stock, no par value). <u>Midwest Stock Exchange</u> -Kubota, Ltd. (American Depositary Receipt Shares each representing 20 shares of dollar validated common stock, 50 Yen par value). <u>Boston Stock Exchange</u> - Big Three Industries, Inc. (capital stock - \$2.50 par value); Hannaford Bros. Co. (common stock -\$0.75 par value); Kubota Ltd. (American Depositary Receipt Shares each representing 20 shares of dollar validated common stock, 50 Yen par value); New England Nuclear Corp. (common stock - \$1.00 par value); Fioneer Electric Corp. (American Depositary Receipt Shares each share of common stock - 50 Yen par value); and Wang Laboratories, Inc. (Class B common stock - \$0.50 par value).

A notice has also been issued giving interested persons until January 6 to request a hearing on an application of the <u>Midwest Stock Exchange</u>, Inc. for unlisted trading privileges in the American Depositary Receipt Shares each representing 2 shares of common stock - 50 Yen par value of Pioneer Electronic Corporation.

Two more notices have also been issued giving interested persons until January 7 to request a hearing on applications of the Midwest Stock Exchange, Inc. for unlisted trading privileges in the common stock of United Energy Resources, Inc. and Corning Glass Works. (Rel. 34-13120)

LISTING ACTIONS

Orders have been issued pursuant to Section 12(d) of the Securities Exchange Act of 1934 granting the applications of the following companies to list the specified securities on the following stock exchanges: American Stock Exchange, Inc. - Foodways National, Inc., common stock, par value \$.25 par value (effective as of December 6, 1976). New York Stock Exchange, Inc. - New England Gas and Electric Association, 9.80% cumulative preferred shares, Series D, \$100 par value (effective as of December 6, 1976).

The SEC has also announced that the specified securities of the following companies have become listed on the following exchanges: New York Stock Exchange, Inc. - Texas Eastern Corporation, common stock, \$3.50 par value (effective as of December 19, 1976); Republic of Austria (Guarantor) (Osterreichische Kontrollbank Aktiengesellschaft), 8% Guaranteed notes, due October 1, 1981 (effective as of December 15, 1976); and Knight Ridder Newspapers, Inc., common stock, 8-1/3% par value (effective as of December 18, 1976). <u>Philadelphia Stock Exchange</u> - Texas Eastern Corp., common stock, \$3.50 par value (effective as of October 29, 1976). <u>Pacific Coast Stock Exchange</u> - Texas Eastern Corp., common stock, \$3.50 par value (effective as of October 15, 1976). <u>Midwest Stock</u> Exchange - Texas Eastern Corp., common stock, \$3.50 par value (effective as of October 13, 1976). (Rel. 34-13121)

SELF-REGULATORY ORGANIZATIONS

THE MUNICIPAL SECURITIES RULEMAKING BOARD'S AMENDMENT NO. 2 TO PROPOSED RULES G-8, G-9 AND G-10

The Commission has published for comment a proposed rule change under Rule 19b-4 which was submitted to the Commission by the Municipal Securities Rulemaking Board (the Board) on December 21, 1976. This proposed rule change, entitled Amendment No. 2 to Proposed Rules G-8, G-9 and G-10, establishes appropriate recordkeeping requirements for municipal securities brokers and municipal securities dealers. As a result of the Board's proposed amendments, the need for integrated firms dealing in both municipal securities and other securities to comply with more than one set of recordkeeping rules will be eliminated. New paragraphs have been added by the Board to proposed Rules G-8 and G-9 which provide that municipal securities brokers and municipal securities dealers, other than bank dealers, in compliance with the Commission's Rules 17a-3 and 17a-4 will be deemed to be in compliance with the Board's recordkeeping rules, provided that the following additional records, not specified in the Commission's rules, are maintained by such firms: records of uncompleted transactions involving customers; records relating to syndicate transactions; new account information and information concerning customer complaints. With respect to records on uncompleted customer transactions, the requirements of the Board's rule will be satisfied if the information is readily obtainable from other records maintained by a firm or bank dealer. Comments are requested by 21 days after publication in the Federal Register. (Rel. 34-13107)

EXTENSION UNTIL APRIL 1, 1977 OF INTERPRETATIONS OF RULES 17a-3, 17a-4 AND 17a-11(c)

> The Commission has extended certain interpretations of Rules 17a-3, 17a-4 and 17a-11 as applied to brokers and dealers effecting transactions solely in municipal securities until April 1, 1977. The interpretations require brokers and dealers effecting transactions solely in municipal securities (1) to make, keep current, and preserve in an easily accessible place books and records sufficient to demonstrate their financial condition, to reflect the receipt and delivery of all funds and securities, and to reflect all customer activity, and (2) to comply with Rule 17a-11 in the event of a violation of (1) above. This extension was made because of the continuing consideration by the Commission of certain proposed amendments to Rules 17a-3 and 17a-4 and the Municipal Securities Rulemaking Board's (the Board) Rules G-8, G-9 and G-10. In particular, the recent publication of proposed amendments to the aforementioned rules of both the Commission and the Board makes it necessary to extend these interpretations so as to provide sufficient time in which to review any public comments which may be received. (Rel. 34-13108)

CANCELLATION OF PROCEEDINGS INSTITUTED WITH RESPECT TO MUNICIPAL SECURITIES RULEMAKING BOARD'S PROPOSED RULES G-8, G-9 AND G-10

The Commission has issued an order cancelling the proceedings instituted pursuant to Securities Exchange Act Release No. 12933 (October 21, 1976) with respect to proposed NEWS DIGEST, December 29, 1976 3 Rules G-8, G-9 and G-10 of the Municipal Securities Rulemaking Board (the Board). These proposed rules were filed by the Board to establish recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers. The proceedings were cancelled since the Board subsequently revised its rules and submitted a new filing, publication of the notice of which began a new 35 day period in which Commission action should be taken. Therefore, the Commission concluded that it was no longer necessary or appropriate to continue the proceedings. (Rel. 34-13109)

PROPOSED AMENDMENTS TO RULE 17a-3 AND RULE 17a-4

The Commission has published for comment proposed amendments to Rules 17a-3 and 17a-4 in order to establish suitable recordkeeping requirements for municipal securities brokers and municipal securities dealers. Pursuant to these amendments, the need for integrated firms to comply with more than one set of recordkeeping rules will be eliminated. The proposed amendments provide that for brokers and dealers engaged in a general securities business, compliance with the Municipal Securities Rulemaking Board (the Board) Rules G-8 and G-9 will be deemed to be in compliance with Rules 17a-3 and 17a-4, solely with respect to such firms' municipal securities business. Alternatively, brokers and dealers would have the option under the Board's rules of fulfilling the requirements of Rules G-8 and G-9 through compliance with Rules 17a-3 and 17a-4. Comments are requested by January 31, 1977. (Rel. 34-13106)

RECENT 8K FILINGS

Form 8K is a report which must be filed with the SEC by the 10th of the month after any of the following important events or changes: changes in control of the registrant; acquisition or disposition of assets; legal proceedings; changes in securities (i.e., collateral for registered securities); defaults upon senior securities; increase or decrease in the amount of securities outstanding; options to purchase securities; revaluation of assets; submission of matters to a vote of security holders.

The companies listed below have filed Form 8-K reports for the month indicated, responding to the item of the form specified. Photocopies may be purchased from the Commission's Public Reference Section (in ordering, please give month and year of report). An index of the captions of the items of the form was included in Monday's News Digest.

COMPANY PENNZOIL OFFSHORE GAS OPERATORS INC PENTAIR INDUSTRIES INC PEOPLES GAS LIGHT & COKE CO PEPSICO INC PHILLIPS PETROLEUM CO PHOENIX STEEL CORP PIEDMONT REAL ESTATE INVESTMENT TRUST PIER ONE IMPORTS INC POLLUTION CONTROL INDUSTRIES INC PONDEROSA SYSTEM INC POTLATCH CORP PROVINCIAL HOUSE INC PUBLIC SERVICE CO OF NEW HAMPSHIRE PUBLIC SERVICE CO OF NEW HAMPSHIRE PUBLIC SERVICE ELECTRIC & GAS CO PUBLIC SERVICE OL OF NEW HAMPSHIRE PUBLIC SERVICE CO OF NEW HAMPSHIRE PUBLIC SERVICE CO OF NEW HAMPSHIRE PUBLIC SERVICE ELECTRIC & GAS CO PUEBLO INTERNATIONAL INC PUGET SOUND POWER & LIGHT CO QUAKER STATE OIL REFINING CORP QUANTA SYSTEMS CORP RAPIC AMERICAN CORP REDMAN INDUSTRIES INC REGAL BELOIT CORP RESDEL INDUSTRIES INC ROUND SMETALS CO ROBINO LADD CO ROCHESTER INSTRUMENT SYSTEMS INC ROMA INDUSTRIES INC ROUSE CO RSR CORP SALANT SALANT CORP SALANT SALANT CORP SALANT	ITEM NO.	MONTH
PENNZOIL OFFSHORE GAS OPERATORS INC	2.7.8.14	11/76
PENTAIR INDUSTRIES INC	8	11/76
PEOPLES GAS LIGHT & COKE CO	13	11/76
PEPSICO INC	13	11/76
PHILLIPS PETROLEUM CO	3	11/76
PHOENIX STEEL CORP	3,7,10,14	11/76
PIEDMONT REAL ESTATE INVESTMENT TRUST	11.14	11/76
PIER ONE IMPORTS INC	13	11/76
POLLUTION CONTROL INDUSTRIES INC	3	11/76
PONDEROSA SYSTEM INC	4,13,14	11/76
POTLATCH CORP	4	11/76
PROVIDENCE & WORCESTER CO	3,13,14	11/76
PROVINCIAL HOUSE INC	7,13,14	11/76
PUBCO CORP	13	11/76
PUBLIC SERVICE CO OF NEW HAMPSHIRE	3,13	11/76
PUBLIC SERVICE ELECTRIC & GAS CO	14	11/76
PUEBLO INTERNATIONAL INC	10,14	11/76
PUGET SOUND POWER & LIGHT CO	13	11/76
QUAKER STATE OIL REFINING CORP	3,7	11/76
QUANTA SYSTEMS CORP	2,8	11/76
RAPIC AMERICAN CORP	3,14	11/76
REDMAN INDUSTRIES INC	2,14	11/76
REGAL BELOIT CORP	13	11/76
RESDEL INDUSTRIES	13	11/76
REYNOLDS METALS CO	13,14	11/76
ROBINO LADD CO	3,9,13,14	11/76
ROCHESTER INSTRUMENT SYSTEMS INC	3,14	11/76
RUMR INDUSTRIES INC	6	11/76
RUUSE CU	7	11/76
RSR CORP	3	11/76
SALANT CORP	2,14	11/76
SALEM NATIONAL CORP	12,14	11/76
SCOTT PAPER CO	3,7	11/76
SCUTTAR INC	13,14	11/76
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SECURITY MORTGAGE INVESTORS	11,14	11/76
SELIGMAN & LATZ INC	10,14	11/76
	7,8	11/76
SHELL OIL CO	3,7,14	11/76
SIMPSON INDUSTRIES INC	11,14	11/76
SOUTHERN CALIFORNIA EDISON CO	3	11/76
SOUTHERN CALIFORNIA GAS CO	13	11/76
SOUTHERN PACIFIC TRANSPORTATION CO		
SOUTHERN FACITIC TRANSFORTATION CO	3,13	11/76
SOUTHERN SCOTTISH INNS INC	13	11/76
SOUTHWESTERN GROUP FINANCIAL INC	2,3	11/76
STANDARD OF AMERICA FINANCIAL CORP	3,13,14	11/76
STANDARD UIL CO OF CALIFORNIA	3	11/76
STANDARD OIL CO OF INDIANA		
	3	11/76
STANDUN INC	6	11/76
STATEX PETROLEUM INC	3	11/76
STELBER INDUSTRIES INC	2	10/76
STELBER INDUSTRIES INC		
	13,14	10/76
STRATFORD OF TEXAS INC (DEL)	1,13	11/76
SULLIVAN COUNTY HARNESS RACING ASSOCIATI	3,13	11/76
SUN CU INC	6,13	11/76
SUPERMARKETS GENERAL CORP	8	11/76
SUSQUEHANNA CORP		
	6	11/76
SYCOR INC	3	11/76
TANDY CORP	11,14	11/76
TANDYCRAFTS INC	11	11/76
TECHNICOLOR INC		11/76
	10,11,13	
TEJON AGRICULTURAL PARTNERS	13,14	11/76
TENNECU INC	3	11/76
TEXACO INC	3	11/76
TEXAS COMMERCE BANCSHARES INC	7	10/76
TEXAS COMMERCE BANCSHARES INC	14	11/76
TENAS COMMERCE LANCSMARES INC		
TEXAS EASTERN TRANSMISSION CORP	7,14	11/76
TEXAS FIRST MORTGAGE REIT	2,3,13,14	11/76
TEXAS INTERNATIONAL AIRLINES INC	7	11/76
TIDEWATER GROUP INC	12,14	11/76
TORO CO		
	2,11,14	11/76
TRANSCANADA PIPELINES LTD	7	11/76
TRI SOUTH MORTGAGE INVESTORS	2,14	11/76
TRITON OIL & GAS CORP	11	11/76
TRW INC	8	11/76
TUCKER LAND CO	8,14	11/76
TYCO LABORATURIES INC	3,13,14	11/76
TYLER CORP	8	11/76
UNARCO INDUSTRIES INC	3	11/76
UNIMAX GROUP INC	2.7.14	11/76
UNION ELECTRIC CO	13	11/76
UNION OIL CO OF CALIFORNIA	3	11/76
UNION PACIFIC CORP	3,13	11/76
UNION PACIFIC RAILROAD CO	7,14	11/76
UNITED ARTISTS THEATRE CIRCUIT INC	8,14	11/76
UNITED EQUITABLE CORP	3	11/76
UNITED FINANCIAL CORP OF CALIFORNIA	13	11/76
UNITED STATES INDUSTRIES INC		11/76
UNITED STATES INDUSTRIES INC	8,13	11/76
UNITED STATES INDUSTRIES INC UNITED STATES STEEL CORP	8,13 3	11/76
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UNITED STATES INDUSTRIES INC UNITED STATES STEEL CORP UTAH POWER & LIGHT CO UTL CORP VALLEY BANCORPORATION VALMAC INDUSTRIES INC VERIT INDUSTRIES VIDEO SYSTEMS CORP WEINGARTEN REALTY INC WELLS FARGO & CO WESTCHESTER CORP WESTERN AIR LINES INC WESTERN AIR LINES INC WESTERN ELECTRIC CO INC WESTERN ELECTRIC CO INC WESTERN ELECTRIC CO INC WESTERN ELECTRIC CORP WESTVACO CORP WHEELING PITTSBURGH STEEL CORP WHITE MOTOR CORP WILSCN FOODS CORP WILSCN H J CO INC	$\begin{array}{c} 8,13\\ 3\\ 7,13\\ 7,8,14\\ 13,14\\ 10,14\\ 7\\ 7,8,14\\ 7,8,14\\ 7,8,14\\ 7,8,14\\ 11\\ 13\\ 1\\ 3,8\\ 13,14\\ 3\\ 3,7,13\\ 3,7\\ 3,11,13,14\\ 3\\ 11\end{array}$	11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76 11/76
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