

Decision under 10 CFR 2.206" (DD-96-10), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, D. C., and at the Local Public Document Room for the Watts Bar Nuclear Plant at the Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee.

A copy of this Director' Decision will be filed with the Secretary of the Commission for the Commission's to review in accordance with 10 CFR 2.206(c). As provided by this regulation, this Decision will constitute the final action of the Commission 25 days after the date of issuance, unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 9th day of July 1996.

For the Nuclear Regulatory Commission.  
William T. Russell,  
*Director, Office of Nuclear Reactor Regulation.*  
[FR Doc. 96-18003 Filed 7-15-96; 8:45 am]  
BILLING CODE 7590-01-P

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for OMB Review; Comment Request; Review of an Information Collection

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Public Law 104-13, May 22, 1995), this notice announces that the Office of Personnel Management has submitted to the Office of Management and Budget a final request for clearance of an information collection, the voluntary commercial garnishment application form. The Application For Federal Employee Commercial Garnishment is intended to be completed by creditors in order to facilitate the Federal Government's compliance with commercial garnishment orders as mandated by section 9 of the Hatch Act Reform Amendments of 1993, Public Law 103-94, by providing information about each commercial garnishment order in a uniform manner that would otherwise not be available due to the wide variety of commercial garnishment orders issued by various state and local jurisdictions.

We estimate that approximately 100 forms will be completed annually for OPM employees, each requiring an

estimated ten minutes to complete, for a total public burden of approximately 17 hours. OPM anticipates, of course, that many other federal agencies will also be suggesting that creditors complete the form. OPM is unable to predict the total annual public burden as a result of the completion of this form.

On September 18, 1995, an initial notice of OPM's clearance request was published in the Federal Register (60 FR 48176). In response to the initial notice, OPM received written comments from four federal agencies, the National Association of Retail Collection Attorneys, the National Association of Federal Credit Unions, the Commercial Law League of America, and one individual. A fifth federal agency provided oral comments and a fourth organization, Nationwide Credit Corporation, did not comment directly, but forwarded comments from two law firms.

While not in response to any suggestion, OPM renumbered the items on the form and replaced the word "Applicant" with "Authorized Payee" in Parts C and D.

Two federal agencies recommended that the form be mandatory. OPM disagrees with making the use of this form mandatory since it would be unnecessary interference with the operation of state courts. Further, regardless of whether or not use of the form is mandatory, it is expected that the form will be in widespread use.

One organization noted that in the collection industry the word "commercial" is interchangeable with the word "business" and that it would be better to simply delete the word "commercial" from the form. However, OPM has opted not to delete the word "commercial" from the form, lest the form be associated by some as being intended to be completed in conjunction with the garnishment of child support indebtednesses which has no "commercial" implication. OPM has been advised that the Department of Health and Human Services is currently conducting a pilot program that utilizes a wholly different form in connection with child support garnishment. It is OPM's intent to avoid any inconsistency or confusion with the child support form.

One agency suggested that number 3 of the "Instructions" on the form be rewritten to explain that agencies are not required to respond until 30 days after receipt by the designated agent. OPM has, however, retained the proposed instruction that more closely follows the language of the statute

which provides for agency responses "within thirty days."

Another agency suggested that the use of certified mail be encouraged. In order to make the form as clear and concise as possible, OPM has opted to have the form include only the statutory mailing provisions.

While one agency suggested that specific identifying information concerning the employee-obligor be made mandatory when completing Part A of the form, such a requirement would conflict with the statutory authority for commercial garnishment which only requires that sufficient identifying information be provided so as to enable the employing agency to identify the employee-obligor. See the Hatch Act Reform Amendments of 1993, Public Law 103-94, section 9, codified at 5 U.S.C. 5520a.

One of the creditor associations expressed concern that incomplete forms might be rejected and noted that creditors typically do not obtain an employee-obligor's date of birth or social security number. The instructions in Part A of the proposed form reflect the statutory identification requirements. It should be emphasized that where sufficient information has been provided for the employing agency to identify the employee-obligor, a garnishment order must not be rejected as being incomplete.

One agency recommended that the form ask the creditor to identify the employee-obligor's payroll office. OPM has not adopted this suggestion. It is doubtful that many creditors would know or could easily obtain the employee-obligor's payroll office. However, individual agencies could include such a request in the "For Agency Use" block at A.6 of the form.

A second agency suggested that block B.7 (now block B.1) identify the court as well as the case number. OPM has adopted this suggestion.

Two creditor organizations suggested that block B.8 (now block B.2) be revised to request the garnishment amount rather than the judgment amount. OPM has adopted this suggestion in order to clarify that the amount to be garnished is the amount listed on the garnishment order, i.e., what is not referred to in block B.2 as the "Garnishment Amount," rather than what might have been mistaken as being the amount of the underlying judgment.

One federal agency also suggested that block B.10 (now B.4) be revised. The agency opined that as written, the block could be misinterpreted to mean that there were instances when the Consumer Credit Protection Act was inapplicable. As rewritten, the form

now avoids the word "inapplicable" and focuses on the need for information in instances where the percentage limitation provided in the Consumer Credit Protection Act is replaced by a lower limitation in accordance with state or local law.

OPM emphasizes that the purpose of the form is to elicit as much helpful information as possible from the garnishor so as to facilitate the processing of the garnishment order by agencies of the Federal Government. OPM emphasizes this point in response to one organization's comment that the form should be changed to place the burden of providing applicable law on the garnishee.

While OPM reaches no conclusion concerning what is "common practice" in the collection industry, it is reasonable to assume that the party that brought the garnishment action will be best able to provide the legal basis for the garnishment. OPM would, however, also explain that a failure to cite the correct legal provision in block B.10 (now B.4) should not, by itself, serve as a basis for an agency to refuse to comply with the garnishment order.

One organization suggested that creditors not be asked to provide copies of relevant statutory provisions. While OPM appreciates the organization's concern, OPM believes that it will be helpful for this information to be provided.

One agency recommended that information concerning bankruptcy filings be included. It is OPM's belief that most creditors will comply with the automatic stay provision of the Bankruptcy Code and not attempt to garnish if they have knowledge that a bankruptcy petition has been filed by the employee-obligor.

One of the law firms commented that the form will not solve all of the problems relating to the Federal Government's processing of commercial garnishment orders. OPM does not disagree, but OPM remains hopeful that usage of the form will facilitate the processing of commercial garnishments by the Federal Government.

For copies of this proposal, contact Jim Farron on (202) 418-3208, or E-mail to [jmfarron@mail.opm.gov](mailto:jmfarron@mail.opm.gov).

**DATES:** Comments on this proposed form should be received on or before August 15, 1996.

**ADDRESSES:** Send or deliver comments to:

Lorraine Lewis, General Counsel, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415  
and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503

**FOR FURTHER INFORMATION CONTACT:** Murray M. Meeker, Senior Attorney, Office of the General Counsel, (202) 606-1701.

U.S. Office of Personnel Management  
Lorraine A. Green,  
*Deputy Director.*

[FR Doc. 96-18019 Filed 7-15-96; 8:45 am]

BILLING CODE 6325-01-M

## POSTAL RATE COMMISSION

### Sunshine Act Meeting

**NAME OF AGENCY:** Postal Rate Commission.

**TIME AND DATE:** 10:00 a.m. on July 23, 1996.

**PLACE:** Conference Room, 1333 H Street, NW, Suite 300, Washington, DC 20268.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Discuss and vote on the Postal Rate Commission Budget for FY 1997.

**CONTACT PERSON FOR MORE INFORMATION:** Margaret P. Crenshaw, Secretary, Postal Rate Commission, Suite 300, 1333 H Street, NW, Washington, DC 20268-0001, Telephone (202) 789-6840.

Margaret P. Crenshaw,  
*Secretary.*

[FR Doc. 96-18154 Filed 7-12-96; 3:22 pm]

BILLING CODE 7710-FW-P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22062; 813-142]

### FMR Corp. and Fidelity Waterway Limited Partnership; Notice of Application

July 10, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

**APPLICATIONS:** FMR Corp. ("FMR") and Fidelity Waterway Limited Partnership (the "Initial Partnership").

**RELEVANT ACT SECTIONS:** Order under sections 6(b) and 6(e) of the Act for an exemption from all provisions of the Act except section 9, certain provisions of sections 17 and 30, sections 36 through

53, and the rules and regulations thereunder.

**SUMMARY OF APPLICATION:** Applicants request an order to permit the Initial Partnership, and future partnerships or investment vehicles that may be offered to the same class of investors (the "Subsequent Partnerships") (together with the Initial Partnership, the "Partnerships"), to engage in certain affiliated and joint transactions. Each Partnership will be an employees' securities company within the meaning of section 2(a)(13) of the Act.

**FILING DATES:** The application was filed on May 12, 1995 and amended on December 21, 1995 and June 19, 1996.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 5, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: 82 Devonshire Street, F5H, Boston, Massachusetts 02109.

**FOR FURTHER INFORMATION CONTACT:** Marianne H. Khawly, Staff Attorney, at (202) 942-0562, or Robert A. Robertson, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

### Applicants' Representations

1. FMR and its subsidiaries provide investment advisory, management, and shareholder services for the "FMR Funds,"<sup>1</sup> for individual and institutional investors, as well as for pension trusts. FMR and its subsidiaries also offer discount brokerage services to

<sup>1</sup> "FMR Funds" means an investment fund or account organized for the benefit of investors who are not affiliated with the FMR Group (as defined below) and over which an entity within the FMR Group exercises investment discretion. An entity which is either within the FMR Group or an FMR Fund is referred to as an "FMR Affiliate."