

under their agreements governing participation in the Funds.

12. All reports received by a Board of potential or existing conflicts, and all Board action with regard to determining the existence of a conflict, notifying the Adviser and Participating Insurance Companies and Participating Plans of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records. Such minutes or other records will be made available to the Commission upon request.

13. None of the Funds will accept a purchase order from a Qualified Plan if, after the entry of the order, such purchase would make the Plan an owner of 10% or more of the assets of a Fund, unless such plan executes a fund participation agreement with such Fund. A Qualified Plan will execute an application containing an acknowledgment of this condition at the time of its initial purchase of shares of the Funds, or, if the Qualified Plan is already a Fund shareholder at the date of this application, prior to the date of entry of the Commission order pursuant thereto.

#### Conclusion

For the reasons stated above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 96-30084 Filed 11-25-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37965; File No. SR-Amex-96-43]

#### **Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc., Relating to Extending Trading Hours To Permit the Execution of Matched Orders for Exchange-Listed Securities Which Are Part of a Basket Trade Being Done in Large Part on the New York Stock Exchange's Crossing Session II**

November 19, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 12, 1996, the American Stock Exchange, Inc. ("Amex" 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 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 Exchange proposes to extend its trading hours to permit the execution of matched orders for Exchange-listed securities which are part of a basket trade being done in large part on the New York Stock Exchange's ("NYSE") Crossing Session II. The text of the proposed rule change is available at the Office of the Secretary, the Exchange, and at the Commission.

#### **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 Exchange 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**

When the Exchange implemented an After-Hours Trading Facility for single-sided and matched closing price orders, it determined that it would not, at that time, establish an after-hours crossing session for aggregate-price basket trades similar to the NYSE's Crossing Session II.<sup>3</sup> Some member organizations,

however, have noted that the Exchange's lack of such a facility has impaired their ability to effect program trades which include Amex-listed stocks. For example, if a firm wanted to do an after-hours program trade based on the S&P 500 Index, it would cross the component stocks listed on the NYSE during Crossing Session II; it would cross those listed on Nasdaq in-house; but it would have to cross most of the Amex-listed component stocks overseas. Because most of the Amex-listed stocks included in the S&P 500 Index are not 19c-3 securities (that is, they were exchange-listed on or prior to April 26, 1979), Exchange Rule 5 (Off Board Trading) applies and prohibits member firms from acting as principal in an upstairs trade in these securities executed in the United States. Due to the time differences, the Exchange believes that executing the Amex component of the basket trade overseas creates administrative difficulties and increased costs for member firms engaging in these transactions.

The Exchange is proposing to create a facility to permit members and member organizations to execute on the Exchange, after normal trading hours, coupled orders for Amex-listed securities which are part of an aggregate-price basket trade otherwise being done in the NYSE's Crossing Session II. Operationally, the Exchange's After-Hours Trading Facility for aggregate-price coupled orders would work in the same manner as the NYSE's Crossing Session II. Members and member organizations using the facility would transmit a facsimile form which would specify the number of stocks, aggregate number of shares and the dollar value of the securities to be crossed. The trade would be executed, and a report transmitted by facsimile to the initiating firm. At the end of the session (5:15 p.m. New York time) the number of stocks, shares and the dollar value of all baskets traded during the session would be aggregated separately for the Exchange-listed and NYSE-listed components of the baskets, and the totals would be transmitted to the Securities Industry Automation

Session II are aggregated and reported on Tape A as an administration message at the close of the session. Only the aggregate share volume and dollar amount of all programs executed during the session are reported. No reports are printed with respect to the individual stocks comprising the baskets. Notwithstanding the foregoing, members and member organizations effecting trades in Crossing Session II are required to submit to the NYSE's Market Surveillance by T+3 the names and the number of shares of each NYSE-listed stock comprising each basket. All NYSE transaction fees are waived for transactions effected during Crossing Session II.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> As part of its overall after-hours trading plan, the NYSE created a facility for the execution of aggregate-price basket orders involving at least 15 NYSE-listed securities with an aggregate minimum value of one million dollars ("Crossing Session II"). In this facility, which is available from 4:00 p.m. to 5:15 p.m., New York time, a member transmits matched buy and sell orders to the NYSE on a facsimile from listing the number of stocks and shares to be traded and the total dollar value of the basket trade. Transactions effected during Crossing

Corporation for publication on the "Tape" as administrative messages. A print of the NYSE listed portion of the basket would appear on Tape B reflecting the Exchange-listed portion of the basket transactions.

On T+3 members will report to the Exchange the names and number of shares of each Amex-listed stock included in the basket. On T+4, the Exchange will publish this information in its Daily Sales Report.

The Amex will waive all transaction fees in connection with the execution of coupled orders for Amex-listed securities which are part of an aggregate-price basket trade otherwise being done in the NYSE's Crossing Session II.

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

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

The Exchange believes that the proposed rule change will impose no 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 solicited or received with respect to the proposed rule change.

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

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Exchange consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

#### 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, N.W., Washington, D.C. 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 Section, 450 Fifth Street, N.W., Washington, D.C. 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-Amex-96-43 and should be submitted by December 17, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>4</sup>

Margaret H. McFarland,  
*Deputy Secretary.*

[FR Doc. 96-30174 Filed 11-25-96; 8:45 am]  
BILLING CODE 8010-01-M

### SMALL BUSINESS ADMINISTRATION

#### **[Declaration of Economic Injury Disaster Loan Area #9250]**

#### **Massachusetts (With Contiguous Counties in New Hampshire and Rhode Island); Declaration of Disaster Loan Area**

Barnstable, Bristol and Essex Counties and the contiguous counties of Dukes, Middlesex, Norfolk, Plymouth, and Suffolk in the State of Massachusetts; Hillsborough and Rockingham Counties in New Hampshire; and Bristol, Newport, and Providence Counties in Rhode Island constitute an economic injury disaster area as a result of a fishery resource disaster as determined by the Secretary of Commerce. The incident period of this disaster is from December 12, 1994 and continuing. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on August 20, 1997 at the address listed below:

U.S. Small Business Administration,  
Disaster Area 1 Office, 360 Rainbow

Blvd. South, 3rd Floor, Niagara Falls,  
New York 14303

or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The number assigned to this disaster for economic injury is 925000 for the State of Massachusetts, 925100 for New Hampshire, and 9252 for Rhode Island.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: November 20, 1996.

Ginger Lew,

*Acting Administrator.*

[FR Doc. 96-30177 Filed 11-25-96; 8:45 am]

BILLING CODE 8025-01-P

#### **[Declaration of Disaster Loan Area #2911; Amendment #2]**

#### **New Hampshire; Declaration of Disaster Loan Area**

In accordance with a notice from the Federal Emergency Management Agency, dated November 14, 1996, the above-named Declaration is hereby amended to include Merrimack and Sullivan Counties in the State of New Hampshire as a disaster area due to damages caused by a fall northeaster rainstorm which occurred October 20 through October 26, 1996.

In addition, applications for economic injury loans from small businesses located in the contiguous county of Grafton in the State of New Hampshire, and the contiguous counties of Windham and Windsor in the State of Vermont may be filed until the specified date at the previously designated location. All other counties contiguous to the above-named counties have been previously declared.

All other information remains the same, i.e., the termination date for filing applications for loans for physical damage is December 28, 1996, and for loans for economic injury the deadline is July 29, 1997.

The number assigned to this disaster for economic injury is 925300 for Vermont.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 19, 1996.

Herbert L. Mitchell,

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 96-30147 Filed 11-25-96; 8:45 am]

BILLING CODE 8025-01-P

<sup>4</sup> 17 CFR 200.30-3(a)(12).