

sold to particular investors. Applicants will require all persons selling shares of the Funds to agree to conform to such standards.

17. Applicants will comply with the provisions of proposed rule 6c-10 under the Act, Investment Company Act Release No. 16619 (Nov. 2, 1988), as such rule is currently proposed, or if it is repropoed or adopted, as it may be repropoed, adopted, or amended.

For the SEC, by the Division of Investment Management, under delegated authority.

Margeret H. McFarland,

Deputy Secretary.

[FR Doc. 95-2429 Filed 1-31-95; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Rural America Fund, Inc.; Notice of Surrender of License

[License No. 03/03-0194]

Notice is hereby given that Rural America Fund, Inc. (RAF), Woodland Park, 2201 Cooperative Way, Herndon, Virginia 22071 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958. RAF was licensed by the Small Business Administration on April 30, 1991.

Under authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on January 9, 1995, and accordingly, all rights, privileges, and franchises, derived therefrom, have been terminated.

(Catalog of Federal Domestic Assistant Program No. 59.011. Small Business Investment Companies)

Dated: January 25, 1995.

Robert D. Sillman,

Associate Administrator for Investment.

[FR Doc. 95-2408 Filed 1-31-95; 8:45 am]

BILLING CODE 8025-01-M

Gateway Partners, L.P.; Notice of Issuance of a Small Business Investment Company License

[License No. 07/77-0097]

On November 18, 1994, a notice was published in the **Federal Register** (59 FR 59814) stating that an application had been filed by Gateway Venture, L.P., 8000 Maryland Avenue, Suite 1190, St. Louis, Missouri 63105, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1994)) for a license to operate as a small business investment company.

Interested parties were given until close of business December 3, 1994 to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, including a request for a name change which was granted, SBA issued License No. 07/77-0097 on January 23, 1995, to Gateway Partners, L.P. to operate as a small business investment company.

The Licensee has initial private capital of \$7.5 million, and Mr. John S. McCarthy will manage the fund. Mr. McCarthy and two other individual General Partners will own approximately 16% of the partnership interests of the Licensee; the Danforth Foundation, a limited partner investor, will own approximately 13.5% of the licensee. The balance of the partnership will be owned by 33 individuals, trusts, pensions and corporations, none of whom will own more than 10%.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 25, 1995.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 95-2409 Filed 1-31-95; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 2156]

United States International Telecommunications Advisory Committee Radiocommunication Sector Study Group 4; Meeting

The Department of State announces that the United States International Telecommunications Advisory Committee (ITAC), Radiocommunication Sector Study Group 4, will meet on February 28, 1995, from 1:30 to 5:00 PM, in Room 1207 at the U.S. Department of State, 2201 C Street, N.W. Washington, D.C. 20520.

Study Group 4 deals with matters relating to the fixed satellite service. The purpose of the meeting is (1) review Working Party and Task Group work, (2) organize preparations for the international meeting of Study Group 4 in May 1995, (3) report on activities related to international satellite coordination related to Resolution Com 4/10 from Kyoto and (4) any other matters within the competence of this Study Group.

Members of the General Public may attend the meetings and join in the discussion, subject to the instructions of the Chairman, Dr. Robert Hedinger, (908) 234-7550. Those persons who wish to attend please call (202) 647-0201—(Fax 202) 647-7407 and leave name, social security number and date of birth not later than 5 days before the meeting. Enter from the "C" Street Main Lobby. A picture ID will be required for admittance.

Dated: January 20, 1995.

Warren G. Richards,

Chairman, U.S. ITAC for ITU—Radiocommunication Sector.

[FR Doc. 95-2475 Filed 1-31-95; 8:45 am]

BILLING CODE 4710-45-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. 49973]

Order on Discussion Authority Regarding a Smoking Ban on Transatlantic Flights

January 24, 1995.

SUMMARY: We are publishing the entire order as an appendix to this document.

EFFECTIVE DATE: January 30, 1995.

FOR FURTHER INFORMATION CONTACT:

Peter Bloch, U.S. Department of Transportation, Office of the Assistant General Counsel for International Law, Room 10105, 400 Seventh Street, S.W., Washington, D.C. 20590. (202) 366-9183.

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs.

Order

On December 15, 1994, a joint application was filed by American Airlines, British Airways, Continental Airlines, KLM Royal Dutch Airlines, Northwest Airlines, Trans World Airlines, United Air Lines, and USAir (Joint Applicants) requesting approval of, and antitrust immunity for, discussions to be held for the purpose of reaching a voluntary agreement to ban all smoking on commercial transatlantic flights. They propose to announce a date and place for such discussions and to invite representatives of all interested U.S. and foreign air carriers and international airport and civic groups to participate.

In support of their application, the Joint Applicants state that such a grant is consistent with the public interest because eliminating the exposure of passengers and crew to passive smoke would serve the public health. They cite

several U.S. and other governmental initiatives under way to ban smoking on international flights and assert that the voluntary action they advocate will produce faster results and avoid the possibility of different or conflicting rules for different countries.

The Joint Applicants also state that the antitrust immunity they seek is consistent with Department precedent. They state that, under either of the two tests the Department has employed for granting antitrust immunity, their application merits approval.

Answers in response to the Joint Application were filed by the National Smokers Alliance, the Coalition on Smoking or Health, and Congressman Richard J. Durbin.¹ The National Smokers Alliance, a nonprofit membership organization seeking accommodation for smokers, opposes the grant of antitrust immunity on the grounds that the purpose of the discussions is to eliminate competition in the provision of air services and to reduce consumer options. It states that individual carriers should make decisions banning smoking in a competitive environment, subject to the economics of the marketplace, and cites the voluntary ban by one U.S. carrier, Delta, as evidence that such an approach can achieve antismoking goals.

The Coalition on Smoking or Health, representing the American Cancer Society, the American Heart Association and the American Lung Association, supports grant of the discussion immunity. The Coalition believes that a voluntary agreement among carriers in the important transatlantic market would probably lead to similar agreements on other international routes, greatly increasing the prospects of worldwide compliance with the resolution of the International Civil Aviation Organization (ICAO) calling for smokefree international flights by July 1, 1996. Congressman Durbin also urges prompt approval of the requested discussion authority, observing that the efforts of the U.S. and other countries to achieve implementation of the ICAO resolution through intergovernmental agreement is a slow process, and states that a voluntary agreement among carriers would provide an important public health benefit that is clearly in the public interest.

The Joint Applicants filed a request for leave to file a reply to the answers of the National Smokers Alliance and the Coalition on Smoking or Health,

which we will grant. The Joint Applicants contend that the Coalition's comments highlight the important public benefit and strong U.S. policy of achieving a smoke-free environment on international flights that underlie the discussion immunity request, while the position of the Alliance that the proposed discussions would be anticompetitive underscores the reluctance of the carriers to proceed without that immunity.

As required by statute, we have given the Attorney General and the Secretary of State a copy of the application and the opportunity to submit written comments on the application. Neither the Attorney General nor the Secretary of State has submitted any comments.

Decision

The Department has decided to grant the requested discussion immunity, subject to several conditions traditionally imposed to protect the public interest when potentially anticompetitive discussion authority is granted. The United States has a firmly-established policy that smoking should be banned on international flights, because eliminating smoking on international airline flights will provide important public health benefits. We are granting the application, because the discussions proposed by the carrier applicants should hasten the achievement of that goal in transatlantic markets.

We assume for the purposes of our decision here that both the purpose and effect of the proposed discussions would be to substantially reduce competition among carriers in the provision of air transportation. In such instances, we may authorize intercarrier discussions and grant them antitrust immunity where we find that the discussions are necessary to meet a serious transportation need or to achieve important public benefits and that such benefits or need cannot be secured by reasonably available alternatives that are materially less anticompetitive. 49 U.S.C. 41308, 41309.

The purpose of the discussions in this case is to secure the important public benefit of smoke-free air travel in a faster and more orderly fashion than the present process of government regulation and intergovernmental negotiation. The discussions are also consistent with a strong and clearly articulated U.S. policy.

The public health and safety benefits of eliminating smoking and passive smoke contamination of aircraft were addressed in regulatory proceedings prompted by the enactment of section

335 of Public Law 101-164 and resulting in the adoption of the smoking ban on most domestic flight segments set forth in Part 252 of the Department's regulations, 14 CFR Part 252. In the case of international flights, the U.S. has sponsored, and in 1992 ICAO adopted, a resolution urging member states to ban smoking on all international flights by July 1, 1996. In November, 1994, the U.S., Canada and Australia announced the signing of an agreement to ban smoking on flights by their carriers operating nonstop between their territories.

Despite such initiatives, however, the process of negotiating and implementing smoking bans with dozens of governments is a slow and uncertain process due to the complexities of dealing with so many different countries. Furthermore, failure to achieve agreement with all of the countries of a given region would create confusion for passengers and present significant crew and aircraft coordination problems for airlines. A voluntary agreement among carriers in the important transatlantic market will clearly help avoid such problems while making it more likely that the goals of the U.S. and most of the world's nations under the ICAO resolution can be achieved.

We also find that there are no reasonably available alternatives to the requested discussions having a materially less anticompetitive effect. Direct governmental action would not be a market solution and would present the difficulties noted above. And, while the National Smokers Alliance points to an independent action by one U.S. carrier to ban smoking on at least some of its international flights, we find no basis to believe that a pure reliance on individual carrier marketing decisions will either avoid the difficulties faced by direct government action or significantly contribute to the realization of U.S. policies and objectives.

The applicants assert that each of them would be reluctant to ban smoking on its own transatlantic flights because doing so could cost it a significant number of passengers. As a result, notwithstanding Delta's own decision to bar smoking on its flights, the applicant carriers might well delay prohibiting smoking until smoking was prohibited by government action. This causes us to find that independent carrier action is not a reasonably available alternative which would achieve the same result as the proposed discussions, the early elimination of smoking from most transatlantic service. The United States wishes to bar smoking on international

¹ Congressman's Durbin's comments were filed by United Airlines, which requests that they be accepted. We will grant that request.

flights as soon as possible. In our judgment, the discussions proposed by the applicants may achieve the United States' goal—the elimination of smoking—much sooner than independent action by individual airlines.

We also find that the requested approval and grant of antitrust immunity to discuss a voluntary agreement to ban smoking on international commercial flights in transatlantic service is appropriately limited in nature and well-calculated to achieve a result consistent with our objective of eliminating smoking on all international flights. As noted, the Joint Applicants propose to announce a date and place for such discussions, and to invite representatives of all interested domestic and foreign air carriers, as well as representatives of international airports and interested civic groups. We will also require that representatives of airline employee unions or associations and private consumer groups (including the commenters in this proceeding) be invited to attend, although the latter may be limited to observer status.

We have determined to grant the request for discussion authority and antitrust immunity in this order, rather than through a show-cause proceeding. The discussions sought by the applicants seek to carry out an established public policy goal of the United States, the prohibition of smoking on international flights. Implementing that goal as soon as possible will provide important public health benefits. We are willing to grant antitrust immunity in this instance because, unlike most situations where it has been sought, the purpose of the discussions at issue here is fully consistent with the public interest. To the extent that consumer service options would be curtailed by an agreement, such a result is inherent in the public policy decision to eliminate smoking aboard aircraft. Furthermore, any agreement reached by the carriers may not be implemented without our approval, and interested persons will have an opportunity to comment on any application for such approval.

In addition, to minimize any adverse impact on the public interest, we will condition our approval and grant of antitrust immunity upon the following express conditions: (1) The discussion authority is limited to 120 days from the date of publication of this order; (2) advance notice of any meeting shall be given to all identifiable entities and groups noted above, as well as to the Department of Transportation, the Department of Justice, and the Federal Trade Commission; (3) representatives

of the Department of Transportation, the Department of Justice and the Federal Trade Commission shall be permitted to attend the meetings authorized by this order; (4) the Joint Applicants or a representative shall file within 14 days with the Department a report of each meeting held including *inter alia* the date, place, attendance, a copy of any information submitted to the meeting by any participant, and a summary of the discussions and any proposed agreements; (5) any agreement reached must be submitted to the Department for approval and must be approved before its implementation; (6) the attendees at such meetings must not discuss rates, fares or capacity; and (7) the discussions will be held in the metropolitan Washington, D.C. area.

Accordingly,

1. The Department approves the request for discussion authority filed by the Joint Applicants in this docket, subject to the restrictions listed below, under section 41308 of title 49 of the United States Code, for 120 days from the date of publication of this order, for discussions directed toward eliminating smoking on all international flights in transatlantic service;

2. The Department exempts persons participating in the discussions approved by this order from the operation of the antitrust laws under section 41309 of Title 49 of the United States Code;

3. The Department's approval is subject to the following conditions:

(a) Advance notice of any meeting shall be given to all identifiably interested air carriers, foreign air carriers, international airports, airline employee unions or associations, civic groups and consumer groups, as well as to the Department of Transportation, the Department of Justice, and the Federal Trade Commission;

(b) Representatives of the entities and groups listed in subparagraph (a) above shall be permitted to attend all meetings authorized by this order;

(c) The Joint Applicants or a representative shall file within 14 days with the Department a report of each meeting held including *inter alia* the date, place, attendance, a copy of any information submitted to the meeting by any participant, and a summary of the discussions and any proposed agreements;

(d) Any agreement reached must be submitted to the Department for approval and must be approved before its implementation;

(e) Attendees at such meetings must not discuss rates, fares or capacity;

(f) The Department shall retain jurisdiction over the discussions to take

such further action at any time, without a hearing, as it may deem appropriate; and

(g) Any meetings authorized by this order shall be held in the metropolitan Washington, D.C. area.

4. Petitions for reconsideration may be filed pursuant to our rules in response to this order;

5. We will serve a copy of this order on all parties served by the Joint Applicants in this docket, as indicated by the service list attached to their Application, on all parties filing Answers to the Application, and Congressman Richard J. Durbin; and

6. We will publish a copy of this order in the **Federal Register**.

By:

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 95-2498 Filed 1-31-95; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 91-202]

RIN 2115-AE10

Escort Vessels for Certain Oil Tankers

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability.

SUMMARY: A two-part study assessing the capability of escort tugs to control disabled tankers in Prince William Sound, Alaska, was commissioned by the Disabled Tanker Towing Study Group. The study specifically reviewed the present equipment, personnel, and procedures aboard the tankers and escort vessels operating in Prince William Sound, as well as the assist capabilities of the vessels presently in service for escorting these tankers. Both parts of the study have now been completed, and the U.S. Coast Guard has been granted permission to make it available to the public through the National Technical Information Service (NTIS).

ADDRESSES: The study is published as two separate parts, which may be ordered from the National Technical Information Service, Springfield, VA 22161 (phone orders (703) 487-4650; MasterCard, Visa, and American Express are accepted).

FOR FURTHER INFORMATION CONTACT: Thomas Jordan, Project Manager, OPA 90 Staff, at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, or by phone at (202) 267-6751.