deducted from any payment does not exceed the proportionate amount deducted from any prior payment. This general proviso holds true unless the increase in sales load deduction is caused by reductions in the annual cost of insurance or reductions in sales load for amounts transferred to a variable life insurance policy from another plan of insurance. Applicants represent that neither exception applies in the present case.

4. Subsection (d)(1) of Rule 6e–3(T) provides relief similar to that provided by subsection (b)(13)(ii), but for sales charges deducted from other than premiums, and provided that the sales load deducted pursuant to any method permitted thereunder does not exceed the proportionate amount of sales load deducted prior thereto pursuant to the same method. Applicants represent that the express language of subsection (d)(1)(ii)(A) prohibits the actual deduction of proportionately greater amounts.

5. Applicants represent that although the Rider causes the Surrender Charge to increase over a limited period of time, the actual amount of the Surrender charge deducted in connection with the IL 2000 Series and the IL Plus Series never is proportionately greater than any Surrender Charge deducted prior thereto, because either: (a) There has been no prior Surrender Charge deduction; or (b) the prior deduction resulted from a face amount decrease to which the Rider does not apply, with the result that the Surrender Charge percentages applicable to the decrease are the higher percentages specified in the Policy.

6. Applicants state that, unlike under the IL 2000 Series and the IL Plus Series, however, under the COLI Series, the Rider applies to amounts of Surrender Charges imposed upon decreases in the face amount. Therefore, the effective rate of a Surrender Charge imposed upon a decrease in the face amount under the COLI Series during the first five Policy years may be lower than the Surrender Charge applicable to a later decrease in the face amount, surrender, or termination of a Policy. Applicants represent that this phenomenon results solely from the fact that the Rider—which is beneficial to policyowners—applies to decreases in face amount (as well as surrenders and Policy termination) under the COLI Series.

7. Applicants assert that Section 27(a)(3), in conjunction with the other sales charge limitations in the 1940 Act, was designed to address the perceived abuse of periodic payment plan certificates that deducted large amounts of front-end sales charges so early in the life of the plan that an investor redeeming in the early periods would recoup little of his or her investment. Applicants contend that waiver of an amount of Surrender Charge otherwise payable under the Policy upon surrender through operation of the Rider does not present the abuses addressed in Section 27(a)(3); indeed, operation of the Rider could further the purposes of the 1940 Act.

8. Applicants also assert that one purpose behind Section 27(h)(3) of the 1940 Act, a provision similar to Section 27(a)(3), is to discourage unduly complicated sales charges. Applicants submit that this also may be deemed to be a purpose of Section 27(a)(3) and subsections (b)(3)(ii) and (d)(1) of Rule 6e–3(T). Applicants submit that the variation to the Policies' sales charge structure effected by the Rider is relatively straightforward and easily understood, as compared to that of many other variable life insurance Policies currently being offered. Moreover, Applicants represent that eligible policyowners will benefit from the sales charge structure effected by the Rider, and that the prospectuses for the Policies, or supplements thereto, will contain disclosure informing prospective eligible policyowners of the effect of the Rider on the sales charges under the Policies.

Applicants' Conclusion

Applicants submit that, for the reasons and based upon the facts set forth above, the requested exemptions from Section 27(a)(3) of the 1940 Act and subsections (b)(13)(ii) and (d)(1)(ii)(A) of Rule 6e–3(T) under the 1940 Act—to permit Equitable Variable to make a Rider available under the Policies—meet the standards of Section 6(c) of the 1940 Act. In this regard, Applicants submit that the exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies 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. 95–10797 Filed 5–2–95; 8:45 am]

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[Release No. 34–35653; File No. SR–NYSE–95–09]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Entry of Limit-at-the-Close Orders

April 27, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 3, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change, and on April 18, 1995, filed Amendment No. 1 to the proposed rule change,[1] as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. 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 proposed rule change would provide for a one-year pilot for the entry of limit-at-the-close (''LOC'') orders[2] to offset a market-at-the-close (''MOC'') order[3] imbalance of 50,000 shares or more in all stocks for which MOC order imbalances are published.

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 self-regulatory organization 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 self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] Amendment No. 1 made non-substantive, clarifying changes to the proposal. See Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Glen Barrentine, Team Leader, SEC dated April 17, 1995.

[2] A LOC order is a limited price order entered for execution at the closing price if the closing price is within the limit specified. See Securities Exchange Act Release No. 33706 (March 3, 1994), 59 FR 111093.

[3] A MOC order is a market order to be executed in its entirety at the closing price on the Exchange. See NYSE Rule 13.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to expand the universe of stocks in which LOC orders may be entered to all stocks for which MOC imbalances are published pursuant to such procedures regarding time of order entry and order cancellation as the Exchange may establish from time to time. The Exchange intends to keep the 3:55 p.m. cutoff time for the entry of LOC orders, except to correct a bona fide error. On expiration days,[4] LOC orders will continue to be irrevocable after 3:40 p.m., except to correct a bona fide error. For non-expiration days, cancellation of LOC orders would be prohibited after 3:55 p.m., except to correct errors.

In SR–NYSE–92–37, the Exchange filed a proposed amendment to Exchange Rule 13 to provide that LOC orders may be entered to offset published imbalances of MOC orders of 50,000 shares or more in stocks selected from the expiration day pilot stocks.[5] The Commission approved this proposal on a 15-month pilot basis through July 15, 1995.[6]

The LOC pilot currently consists of only five of the expiration day ''pilot stocks.'' Thus far, the LOC order type has been used rarely. Members cite the limited number of stocks for which this order type may be entered as a primary reason for not committing resources to effect system program changes necessary to support this order type.

The Exchange believes that by expanding the universe of eligible LOC stocks, the Exchange will make it more feasible for member firms to effect the systems changes required to use this order type. The Exchange is therefore proposing to expand the pilot to permit the entry of LOC orders to offset a MOC order imbalance of 50,000 shares or more in all stocks for which MOC order imbalances are published.[7]

The Exchange believes that the LOC order type may be a useful means to help address the prospect of excess market volatility that may be associated with an imbalance of MOC orders at the close. Therefore, the Exchange believes it is appropriate to expand the current pilot for LOC orders to all stocks for which MOC imbalances are published and to extend the pilot for LOC orders one year from the date of approval of this proposed rule change.[8]

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change perfects the mechanism of a free and open market by providing investors with the ability to use LOC orders as a vehicle for managing risk at the close.

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 proposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

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

Within 35 days of the publication of this notice in the **Federal Register** or within such other 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 self-regulatory organization consents, the Commission will:

(A) by order approve the 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 date, 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, 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 at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer the File No. SR–NYSE–95–09 and should be submitted by May 24, 1995.

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

Margaret H. McFarland,

Deputy Secretary.

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[4] The term ''expiration days'' refers to both (1) the trading day, usually the third Friday of the month, when some stock index options, stock index futures and options on stock index futures expire or settle concurrently (''Expiration Fridays'') and (2) the trading day on which end of calendar quarter index options expire (''QIX Expiration Days'').

[5] The Expiration Friday pilot stocks consist of the 50 most highly capitalized Standard & Poors (''S&P'') 500 stocks and any component stocks of the Major Market Index (''MMI'') not included therein. The QIX Expiration Day pilot stocks consist of the 50 most highly capitalized S&P 500 stocks, any component stocks of the MMI not included therein and the 10 highest weighted S&P Midcap 400 stocks.

[6] See Securities Exchange Act Release No. 33706 (March 3, 1994), 59 FR 11093.

[7] Currently, MOC imbalances are published for pilot stocks on expiration days and non-expiration days. In addition, on non-expiration days, MOC imbalances are published for stocks that are being added to or dropped from an index and, upon the request of a specialist, any other stock with the approval of a Floor Official. See Securities Exchange Act Release No. 35589 (April 10, 1995), 60 FR 19313.

[8] Given the limited use of the LOC order type in the current pilot for five stocks, the Exchange proposes that the existing pilot be replaced with the one year pilot for LOCs in all stocks proposed herein.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2769]

Oklahoma; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on April 26, 1995, I find that Oklahoma County in the State of Oklahoma constitutes a disaster area due to damages caused by an explosion at the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995. Applications for loans for physical damages may be filed until the close of business on June 24, 1995, and for loans for economic injury until the close of business on January 26, 1996, at the address listed below:

U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon