

applications, thereby reducing Applicants' administrative expenses and maximizing the efficient use of their resources. Applicants further submit that the delay and expense involved in having repeatedly to seek exemptive relief would impair their ability effectively to take advantage of business opportunities as they arise. Further, if Applicants were required repeatedly to seek exemptive relief with respect to the same issues addressed in this application, investors would not receive any benefit or additional protection.

### Conclusion

For the reasons summarized above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the 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.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Supplemental Environmental Impact Statement; Wilmington, New Hanover County, North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

**SUMMARY:** The FHWA is issuing this Notice to advise the public that a second Supplemental Environmental Impact Statement (SEIS) will be prepared for the two western-most sections (just east of 23rd Street to U.S. 117 and 3rd Street east of the Northeast Cape Fear River Bridge) of the proposed highway project (Smith Creek Parkway: State Project No. 8.2250103; T.I.P. No. U-92; Federal Project No. MAM-5851(2)) north of U.S. 17 (Market Street) in Wilmington, North Carolina.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roy C. Shelton, Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601, Telephone (919) 856-4350.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare a second Supplemental Environmental Impact

Statement (SEIS) for the assessment of a new alignment for the two western-most sections (approximately 2.2 miles) of Smith Creek Parkway in Wilmington, North Carolina. The original FEIS (FWHA-NC-EIS-77-03-F) was completed September 24, 1980. The SEIS (FWHA-NC-EIS-77-03-FS) was completed July 15, 1991. The eastern-most sections of Smith Creek Parkway, approved under the first SEIS, are currently under construction or will be under construction by September, 1995.

The first SEIS previously identified a preferred alternative which would be located south of Smith Creek and would pass through the Burnt Mill Creek Landfill. Due to unknown hazardous material involvement related to construction of the preferred alternative over the Burnt Mill Creek Landfill site and an unresolved noise conflict with the Carolco Film Studios (formerly DEG Film Studios), a series of alternatives north of Smith Creek were additionally evaluated.

The proposed action will evaluate a northern alternative for the western-most sections only. The preferred northern alternative avoids the vicinity of the Burnt Mill Creek Landfill site and surrounds, as well as the Carolco Film Studios, by extending Smith Creek Parkway northwest, crossing Smith Creek near 23rd Street, and crossing back over Smith Creek just southeast of U.S. 117 (Castle Hayne Road). Recent study of the area north of Smith Creek indicates this area is a reasonable and feasible alternative route.

No formal scoping meeting is planned. A public involvement program has been developed for the project. The draft SEIS will be available for public and agency review and comment prior to the public hearing. To assure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The Regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: June 13, 1995.

**Roy C. Shelton,**

*Operations Engineer, Raleigh.*

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### National Highway Traffic Safety Administration

[Docket No. 95-49; Notice 1]

#### General Motors Corporation; Receipt of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) of Warren, Michigan, has determined that some of its vehicles fail to comply with the requirements of 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, Reflective Devices, and Associated Equipment," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." GM has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

In FMVSS No. 108, Table III lists turn signal lamps as required equipment. Society of Automotive Engineers' (SAE) Standard J588, NOV84, incorporated by reference in Table III, provides that the photometric requirements for turn signal lamps may be met at zones or groups of test points, instead of at each individual test point. Within a zone, the lamp is permitted to fail at individual test points as long as the total light intensity of all the test points within the zone is not below the specified level for the zone. SAE J588 specifies four such zones for turn signals.

During the period of September 1990 through 1995, GM manufactured approximately 544,420 Buick Centuries on which the turn signal lamps failed to meet the photometric requirements referenced in Table III of FMVSS No. 108. Of the four zones tested on the turn signal lamps, zones 1, 2, and 4 met the requirements, while zone 3 did not. The required light intensity for zone 3 is 2,375 candela (cd). When tested, 17 of the subject lamps produced, on average, a light intensity of approximately 2,145 cd or 90 percent of the required intensity. The three compliant zones exceed the light intensity requirements by at least 20 percent.

GM supports its application for inconsequential noncompliance with the following:

The difference between the FMVSS 108 requirement for zone 3 and the average performance of the subject lamps is