

Funding, Calabasas, California, a 50.1 percent voting interest in Premier Partners-James R. Gary Realtors, Woodland Hills, California (a joint venture), and thereby engage in originating, funding, and servicing residential mortgage loans on a retail basis, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 8, 1995.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 95-28269 Filed 11-15-95; 8:45 am]

BILLING CODE 6210-01-F

### U.S. Trust Corporation; Notice of Application to Engage *de novo* in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of

Governors not later than November 28, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. *U.S. Trust Corporation*, New York, New York; to engage *de novo* through its subsidiary, U.S. Trust Company of New Jersey, Princeton, New Jersey, in tax planning and tax preparation services for individuals, businesses and non-profit organizations, pursuant to § 225.25(b)(21) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 8, 1995.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

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## FEDERAL TRADE COMMISSION

### Automotive Fuel Ratings, Certification and Posting

**AGENCY:** Federal Trade Commission.

**ACTION:** Grant of partial exemption from the Commission's Fuel Rating Rule.

**SUMMARY:** The Commission has granted the petition of Gilbarco, Inc. ("Gilbarco"), a manufacturer of gasoline dispensers, on behalf of several major oil companies, requesting permission to post octane ratings by use of octane labels that differ from certain of the specifications contained in the Commission's Automotive Fuel Ratings, Certification and Posting Rule ("the Rule"). Pursuant to Rule 1.26 of the Commission's Rules of Practice, the Commission grants, for good cause, the requested relief without a notice and comment period because the Commission finds that such a procedure is unnecessary to protect the public interest in this case. The Commission previously has granted similar requests without notice and comment procedures.<sup>1</sup>

**EFFECTIVE DATE:** November 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Thomas D. Massie, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580, (202) 326-2982.

**SUPPLEMENTARY INFORMATION:** On March 30, 1979, the Commission published the Octane Posting and Certification Rule in the Federal Register. 44 FR 19160 (1979). The Rule established procedures

<sup>1</sup> See Octane Rule exemptions granted to Gilbarco, 53 FR 29277 (1988); to Exxon Corporation, 54 FR 14072 (1989); and to Dresser Industries, Inc., 56 FR 26821 (1991).

for determining, certifying and posting, by means of a label on the fuel dispenser, the octane rating of automotive gasoline intended for sale to consumers. Pursuant to section 15.01 of the Energy Policy Act of 1992, 106 Stat. 2776, the Rule has been amended to include requirements for disclosing the automotive fuel rating of liquid alternative fuels, 58 FR 41372 (1993). The amended Rule became effective October 25, 1993.

Section 306.10 of the Rule provides that retailers must post at least one octane rating label on each face of each gasoline dispenser. Retailers who sell two or more kinds of gasoline with different octane ratings from a single dispenser must post separate octane rating labels for each kind of gasoline one each face of the dispenser. Labels must be placed conspicuously on the dispenser so as to be in full view of consumers and as near as reasonably practical to the price per gallon of gasoline.

Section 306.12 of the Rule detail specifications for the labels. Labels must be 3 inches wide by 2½ inches long, and Helvetica type must be used for all text except the octane rating number, which must be in Franklin Gothic type. Type size for the text and numbers is specified, and the type and border must be process black on a process yellow background. The line "MINIMUM OCTANE RATING" must be in 12 point Helvetica bold, all capitals, with letter space set at 12½ points. The line "(R+M)/2 METHOD" must be in 10 point Helvetica bold, all capitals, with letter space set at 10½ points. The octane number must be in 96 point Franklin Gothic Condensed, with ¼ inch spacing between the numbers. Section 306.12(d) of the Rule further states that no marks or information other than that called for by the Rule may appear on the label.

On August 3, 1988, the Commission granted Gilbarco a partial exemption to the Rule with respect to the same multi-blend gasoline dispensers that are the subject of this partial exemption. 53 FR 29277 (1988). There the Commission allowed Gilbarco to use an octane label that was 3 inches wide and 2.3 inches long that would be inserted inside plastic gasoline selection switches. The Commission also allowed Gilbarco to place the word "PRESS", in 16 point Helvetica type, beneath the octane number on the label.

Gilbarco's experience with the plastic gasoline selection switches has shown that the plastics which is prone to cracking or hazing over after prolonged exposure to gasoline vapors, reducing the clarity of the octane label. Gilbarco