

many nights when OCC could begin critical processing by 9:00 P.M. To accommodate the requests by clearing members for earlier data distribution, OCC has decided to advance the late exercise cut-off times by one hour and to eliminate the volume conditions affecting the cut-off times.

The volume conditions were initially incorporated into Rule 801(e) to ensure that clearing members had adequate time to reconcile their records with exchange trade comparison reports. Since that time, the exchanges have continued to improve their systems and operations in the trade matching process, particularly with respect to intraday trade matching. These technological improvements have enabled the exchanges to send daily trade data to OCC and its clearing members much earlier in the day. Accordingly, OCC proposes to eliminate any references to volume in the revised Rule 801(e). OCC does not believe removing the volume considerations will have any negative affect on its clearing members.

The proposed rule change also amends OCC's late exercise fee schedule cut-off times. The time at which a \$500 fee will be imposed is being changed from between 7:00 P.M. to 9:00 P.M. to between 7:00 P.M. to 8:00 P.M. The late exercise cut-off time associated with a \$2000 fee will be changed from between 9:01 P.M. and the start of critical processing to between 8:01 P.M. and the start of critical processing.

In addition to the changes described above, Rule 801 is being revised to provide expressly for the submission of exercise instructions through electronic means.

OCC believes the proposed rule change is consistent with the purposes and requirements of Section 17A of the Act because it facilitates the prompt and accurate clearance and settlement of securities transactions and assures the safeguarding of securities and funds in OCC's custody or control or for which it is responsible.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

OCC does not believe that the proposed rule change would impose any 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 relating to the proposed rule change have been solicited or received. OCC will notify the Commission of any written comments received by OCC.

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

Within thirty-five 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 ninety 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 OCC 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 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 OCC. All submissions should refer to the File No. SR-OCC-95-14 and should be submitted by January 17, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>6</sup>

Margaret H. McFarland,  
*Deputy Secretary.*

[FR Doc. 95-31308 Filed 12-26-95; 8:45 am]

**BILLING CODE 8010-01-M**

[Release No. 34-36603; File No. SR-PSE-95-31]

**Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange Incorporated Relating to Pre-Arbitration Hearing Document Exchanges**

December 19, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on December 7, 1995, the Pacific Stock Exchange Incorporated ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. On December 18, 1995, the Exchange submitted to the Commission Amendment No. 1 to the proposed rule change.<sup>2</sup> The Commission is publishing this notice to solicit comments on the amended 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 increase the prehearing document exchange deadline contained in PSE Rule 12, *Arbitration*, from ten (10) days to twenty (20) days.

**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.

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

<sup>2</sup> The amendment corrected the proposal's reference to Section 15A(b)(6) as its statutory basis and deleted superfluous language describing an affirmative obligation to supplement and correct discovery. See Letter dated December 13, 1995, from Rosemary A. MacGuinness, Senior Counsel, PSE, to Glen Barrentine, Senior Counsel/Team Leader, SEC.

<sup>6</sup> 17 CFR 200.30-3(a)(12) (1994).

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

1. Purpose

Currently, the PSE's Arbitration Department responds to numerous requests for additional, but late, discovery that arise from the exchange of documents intended to be used by the parties at the hearing. Accordingly, the Exchange is proposing to amend PSE Rule 12.14(c) to increase the amount of time before a hearing where the parties are required to exchange documents from ten (10) days to twenty (20) days. By increasing the time for exchanging prehearing memoranda, the proposed rule change is intended to reduce the burden on the Arbitration Department and the arbitrators in responding to last minute discovery requests. The Securities Industry Conference on Arbitration approved the proposed rule change as an amendment to the Uniform Code of Arbitration at its meeting on October 21, 1994.

2. Statutory Basis

The PSE believes the proposed rule change is consistent with the provisions of Section 6(b)(5)<sup>3</sup> of the Act because it is designed to facilitate the arbitration process by providing a more reasonable time frame in which to address last minute discovery requests and alleviate the burdens on the forum staff and arbitrators in dealing with such requests.

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

The Exchange believes the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of purposes 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.

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 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 at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Pacific Stock Exchange. All submissions should refer to File No. SR-PSE-95-31 and should be submitted by January 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. 95-31305 Filed 12-26-95; 8:45 am]

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[Rel. No. IC-21610; No. 812-9740]

**Pruco Life Insurance Company, et al.**

December 19, 1995.

**AGENCY:** Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of application for an order under the Investment Company Act of 1940 ("1940 Act").

**APPLICANTS:** Pruco Life Insurance Company ("Pruco Life"), Pruco Life Insurance Company Insurance Company of New Jersey ("Pruco Life of New Jersey"), The Prudential Insurance Company of America ("Prudential"), Pruco Life Flexible Premium Annuity Account ("Separate Account"), and Pruco Securities Corporation ("Securities").

**RELEVANT 1940 ACT SECTIONS:** Order requested under Section 6(c) of the 1940 Act granting exemptions from the provisions of Sections 22(d), 26(a)(2)(C), and 27(c)(2) of the 1940 Act.

**SUMMARY OF APPLICATION:** Applicants seek an order to permit: (1) The deduction of a mortality and expense risk charge from the assets of the Separate Account or any other separate account ("Other Accounts") established by Pruco Life, Pruco Life of New Jersey, or Prudential to support individual flexible premium annuity contracts ("Contracts") as well as other variable annuity contracts that are substantially similar in all material respects to the Contracts ("Future Contracts") (2) a waiver of the withdrawal charge for Contracts or Future Contracts issued in connection with the waiver of withdrawal charges endorsement ("Critical Care Access") and (3) a reduction of the withdrawal charge to Contract and Future Contract owners age 84 or older to insure compliance with state non-forfeiture laws.

**FILING DATE:** The application was filed on August 25, 1995, and an amended and restated application was filed on December 4, 1995. In addition, Applicants have represented that they will file an amendment during the notice period to make the representations contained herein.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 15, 1996, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, Clifford E. Kirsch, Esq., The Prudential Insurance Company of America, Prudential Plaza, Newark, New Jersey 07102.

**FOR FURTHER INFORMATION CONTACT:** Pamela K. Ellis, Senior Counsel, or Wendy Finck Friedlander, Deputy Chief, both at (202) 942-0670, Office of Insurance Products (Division of Investment Management).

<sup>3</sup> 15 U.S.C. 78f(b)(5).

<sup>4</sup> 17 C.F.R. 200.30-3(a)(12)