

Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), any person other than the Licensee, adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland, this 12th day of August 1996.

For the Nuclear Regulatory Commission,  
James Lieberman,  
*Director, Office of Enforcement.*  
[FR Doc. 96-21039 Filed 8-16-96; 8:45 am]  
BILLING CODE 7590-01-P

### **Westinghouse Electric Corporation; Receipt of Petition for Director's Decision Under 10 CFR 2.206**

Notice is hereby given that by Petition dated May 30, 1996, Shannon T. Doyle (Petitioner) has requested that the NRC take immediate action with regard to Westinghouse Electric Corporation (Westinghouse). The Petitioner requests that the NRC institute a show cause proceeding pursuant to 10 CFR 2.202 and/or impose a civil penalty upon Westinghouse. As a basis for the request, the Petitioner asserts that Westinghouse has failed to correct the record and, through its counsel, has provided material false statements to a Department of Labor Administrative Law Judge (DOL ALJ) in a case arising under the Energy Reorganization Act

(ERA), 89-ERA-022. Specifically, the Petitioner asserts that Westinghouse has knowingly let remain the false impression of the ALJ that registration with the National Registry of Radiation Protection Technologists (NRRPT) is a requirement for the holding of the position of health physics technician in the nuclear power industry, and has falsely maintained that an NRRPT filing to the NRC establishes that a passing score on the registration test is required for the position of health physics technician.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Enforcement. With regard to the Petitioner's request that immediate action be taken, it should be noted that the NRC takes immediate action in situations where it appears that there is a significant threat to public health and safety that warrants some immediate action to protect the public. The allegations and information in the Petition do not involve a significant threat to public health and safety and the Petition does not present significant new information to indicate that such a threat exists. Therefore, the request for immediate action is denied. As provided by 10 CFR 2.206, action will be taken on the remaining portions of the Petition within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, D.C. 20555.

Dated at Rockville, Maryland this 9th day of August 1996.

For the Nuclear Regulatory Commission,  
James Lieberman,  
*Director, Office of Enforcement.*  
[FR Doc. 96-21038 Filed 8-16-96; 8:45 am]  
BILLING CODE 7590-01-P

### **POSTAL RATE COMMISSION**

[Docket No. A96-22; Order No. 1130]

#### **Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)**

In the Matter of: Shiloh, Virginia 22549  
(James R. Owens, Petitioner).

Issued August 13, 1996.

Before Commissioners: Edward J. Gleiman,  
Chairman; H. Edward Quick, Jr., Vice-  
Chairman; George W. Haley; W.H. "Trey"  
LeBlanc III

*Docket Number:* A96-22  
*Name of Affected Post Office:* Shiloh,  
Virginia 22549  
*Name(s) of Petitioner(s):* James R.  
Owens

*Type of Determination:* Closing  
*Date of Filing of Appeal Papers:*  
August 8, 1996

*Categories of Issues Apparently  
Raised:*

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

#### *The Commission Orders*

(a) The Postal Service shall file the record in this appeal by August 23, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission,  
Margaret P. Crenshaw,  
*Secretary.*

#### *Appendix*

August 8, 1996 Filing of Appeal letter  
August 13, 1996 Commission Notice and  
Order of Filing of Appeal  
September 3, 1996 Last day of filing of  
petitions to intervene [see 39 CFR  
3001.111(b)]  
September 12, 1996 Petitioner's Participant  
Statement or Initial Brief [see 39 CFR  
3001.115(a) and (b)]  
October 2, 1996 Postal Service's Answering  
Brief [see 39 CFR 3001.115(c)]  
October 17, 1996 Petitioner's Reply Brief  
should Petitioner choose to file one [see  
39 CFR 3001.115(d)]

October 24, 1996 Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116]  
 December 6, 1996 Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 96-21014 Filed 8-16-96; 8:45 am]

BILLING CODE 7710-FW-P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22138; 812-10196]

### Benham California Tax-Free Trust, et al.; Notice of Application

August 13, 1996.

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

**ACTION:** Notice of Application for Exemption Under the Investment Company Act of 1940 (the "Act").

**APPLICANTS:** Benham California Tax-Free Trust; Benham Equity Funds; Benham Financial Services, Inc. ("BFS"); Benham Government Income Trust; Benham International Funds; Benham Investment Trust; Benham Management Corporation ("BMC"); Benham Manager Funds; Benham Municipal Trust; Benham Target Maturities Trust; Capital Preservation Fund, Inc.; Capital Preservation Fund II, Inc.; all future investment companies for which BMC acts as investment adviser and all existing and future series of the foregoing investment companies (the "Benham Funds"); Investors Research Corporation ("IRC"); TCI Portfolios, Inc.; Twentieth Century Capital Portfolios, Inc.; Twentieth Century Investors, Inc.; Twentieth Century Premium Reserves Inc.; Twentieth Century Services, Inc. ("TCS"); Twentieth Century Strategic Asset Allocations, Inc.; Twentieth Century World Investors, Inc.; all future investment companies for which IRC acts as investment adviser and all existing and future series of the foregoing investment companies (the "Twentieth Century Funds," together with the Benham Funds, the "Funds"); and any future investment adviser to the Funds which is a direct or indirect wholly-owned subsidiary of Twentieth Century Companies, Inc. ("TCC"), BFS, and TCS.

**RELEVANT ACT SECTION:** Order requested under section 17(d) of the Act and rule 17d-1 thereunder.

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain

investment companies to deposit their uninvested cash in joint accounts and invest the cash in short-term investments, including repurchase agreements.

**FILING DATE:** The application was filed on June 11, 1996, and amended on August 12, 1996. Applicants inadvertently indicated on the application and the amendment that the file number was 812-7549. The correct file number is 812-10196.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 9, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 1665 Charleston Road, Mountain View, CA 94043 or 4500 Main Street, Kansas City, Missouri 64141-6200.

**FOR FURTHER INFORMATION CONTACT:** Mary T. Geffroy, Staff Attorney, at (202) 942-0553, or Robert A. Robertson, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

#### Applicant's Representations

1. Each of the Funds currently has an effective registration statement under the Act and maintains a public offering of its shares or shares of its various series or portfolios. BMC is a registered investment adviser under the Act and serves as investment adviser to the Benham Funds. IRC is a registered investment adviser under the Act and serves as investment adviser to the Twentieth Century Funds, and to individual, corporate, charitable, and retirement accounts ("Private Accounts"). BFS serves as transfer agent for the Benham Funds. TCS serves as transfer agent to the Twentieth Century Funds. BFS, BMC, IRC, and TCS are

wholly-owned subsidiaries of TCC, a Delaware corporation.

2. Applicants request that any relief granted pursuant to the application apply to any present or future registered investment companies that are advised by BMC, IRC, or any wholly-owned subsidiary of TCC; Private Accounts for which BMC or IRC serve as investment adviser; and any entity controlling, controlled by, or under common control with TCS and BFS that serves as transfer agent for any of the Funds. All Funds that intend to rely upon the requested order are named as applicants.

3. The SEC previously issued an order that allows the Benham Funds to use a Joint Account to purchase repurchase agreements on a pooled basis.<sup>1</sup> On June 1, 1995, BMC, BFS and their affiliates were acquired by TCC. As a result of this transaction, the Twentieth Century Funds became affiliates of the Benham Funds. Because the previous order does not extend to the Twentieth Century Funds, applicants seek a new order that grants authorization to the Benham Funds and the Twentieth Century Funds to use Joint Accounts. In addition, applicants seek to adopt the conditions that the SEC now requires of applicants who request this type of relief, and to revise the nature of the relief granted to include investments other than repurchase agreements.

4. Applicants propose to allow each Fund to participate in joint account arrangements ("Joint Accounts") for the purposes of investing in: (a) repurchase agreements collateralized fully, as defined in rule 2a-7 under the Act; (b) interest-bearing or discounted commercial paper, including dollar denominated commercial paper of foreign issuers; and (c) any other short-term money market instruments, including variable rate demand notes and other tax-exempt money market instruments, that constitute "Eligible Securities" (as defined in rule 2a-7 under the Act) (collectively, "Short-Term Investments") as permitted by its investment policies and restrictions.

5. Each of the Funds and Private Accounts (collectively, "Participants") has, or may be expected to have, uninvested cash balances with its custodian bank which would not otherwise be invested in portfolio securities by the portfolio manager at the end of each trading day. In the normal course of business, such assets of each Participant are, or would be, invested in Short-Term Investments in

<sup>1</sup> *Benham Equity Funds*, Investment Company Act Release Nos. 17984 (Feb. 6, 1991) (notice) and 18035 (Mar. 12, 1991) (order).