

5. Section 206A of the Advisers Act provides that the SEC may exempt any person or transaction from any provision of the Advisers Act if and to the extent that such exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act.

6. Applicants argue that to the extent section 205(b)(3) requires a performance fee to be based on realized capital gains, the proposal is consistent with the statutory purpose. Once the in-kind distribution is made, the Managing General Partner will no longer have any control over the investment in the subject securities. The Partners will have the exclusive ability to liquidate such investments. In addition, applicants assert that there will be no concern over the proper valuation of the securities upon which the fee is based because applicants request relief only to cover in-kind distributions of Exchange Traded Securities.

7. Applicants submit that the requested relief satisfies the section 206A standards. First, the distributed securities would be freely transferable, which would enable the Partners to determine whether to hold or sell the distributed securities. In such circumstances, Partners will not forfeit any particular management expertise, since TFL and TFI have not held themselves out as possessing particular experience in managing a portfolio of Exchange Traded Securities. Second, the distributions of portfolio securities will not constitute a taxable event, so the Partners will, in determining whether to hold or sell the securities, control the timing of realization of capital gains. Third, in-kind distributions on termination are an efficient way of winding up the BDC's affairs and avoiding premature dispositions of portfolio investments.

Applicants' Conditions

Applicant agree that the order granting the requested relief shall be subject to the following conditions:

1. The relief will only apply to the distribution in-kind by the BDCs of Exchange Traded Securities.

2. All portfolio securities distributed in-kind pursuant to the proposed relief will be valued at the average of the closing bid and asked prices at which the relevant securities were quoted on the relevant exchange or system during the five trading days immediately preceding the distribution.

3. The BDCs agree to use all reasonable endeavors to ensure that portfolio securities that are the subject

of an in-kind distribution are transferred to limited partners as soon as practicable following their valuation and in any event within 30 days thereof.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,
Deputy Secretary.

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BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2898]

Florida; Declaration of Disaster Loan Area

Broward County and the contiguous counties of Collier, Dade, Hendry, and Palm Beach in the State of Florida constitute a disaster area as a result of damages caused by a fire at the Plantation Towne Mall in the City of Plantation which occurred on September 5, 1996. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 11, 1996 and for economic injury until the close of business on June 16, 1997 at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308 or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 289805 and for economic injury the number is 918700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 16, 1996.

John T. Spotila,
Acting Administrator.

[FR Doc. 96-24419 Filed 9-23-96; 8:45 am]

BILLING CODE 8025-01-P

[Declaration of Disaster Loan Area #2894]

North Carolina; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on September 6, 1996, and amendments thereto on September 8 and 10, I find that Alamance, Beaufort, Bertie, Bladen, Brunswick, Carteret, Chatham, Columbus, Craven, Cumberland, Duplin, Durham, Edgecombe, Franklin, Granville, Greene, Guilford, Halifax, Harnett, Henderson, Hoke, Johnston, Jones, Lee, Lenoir, Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Polk, Richmond, Robeson, Rutherford, Sampson, Vance, Wake, Warren, Wayne, and Wilson Counties in the State of North Carolina constitute a disaster area due to damages caused by Hurricane Fran beginning on September 5, 1996 and continuing. Applications for loans for physical damages may be filed until the close of business on November 4, 1996, and for loans for economic injury until the close of business on June 6, 1997 at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308, or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Anson, Buncombe, Burke, Caswell, Cleveland, Davidson, Forsyth, Haywood, Hertford, Hyde, Martin, McDowell, Montgomery, Northampton, Pitt, Randolph, Rockingham, Scotland, Stokes, Transylvania, and Washington Counties in North Carolina, and Cherokee, Chesterfield, Dillon, Greenville, Horry, Marlboro, and Spartanburg Counties in South Carolina.

Interest rates are:

	Percent
For physical damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000