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**FOR FURTHER INFORMATION CONTACT:** William T. Murphy, Nontextual Archives Division, 301-713-7083; fax 301-713-6904.

Geraldine N. Phillips,

*Acting Deputy, Assistant Archivist for the National Archives.*

[FR Doc. 96-31543 Filed 12-11-96; 8:45 am]

BILLING CODE 7515-01-P

## RAILROAD RETIREMENT BOARD

### Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 1997, shall be at the rate of 35 cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning January 1, 1997, 33.4 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 66.6 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: December 4, 1996.

By authority of the Board.

Beatrice Ezerski,

*Secretary to the Board.*

[FR Doc. 96-31505 Filed 12-11-96; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22375; 811-8566]

### Bando McGlocklin Small Business Lending Corporation; Notice of Application

December 6, 1996.

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

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

**APPLICANT:** Bando McGlocklin Small Business Lending Corporation.

**RELEVANT ACT SECTIONS:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant seeks an order declaring that it has ceased to be an investment company.

**FILING DATES:** The application was filed on December 3, 1996.

**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 December 31, 1996, and should be accompanied by proof of service on 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. Applicant, P.O. Box 190, Pewaukee, Wisconsin 53072.

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Boggs, Staff Attorney, at (202) 942-0572, or Alison E. Baur, 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. Applicant is a closed-end management investment company that is organized as a corporation under the laws of Wisconsin. On June 13, 1994, applicant registered under the Act and filed a registration statement on Form N-2. Applicant did not file a registration statement under the Securities Act of 1933 and has never made a public offering of its securities. Applicant is a wholly-owned subsidiary of Bando McGlocklin Capital Corporation ("BMCC"). BMCC is a registered investment company and has requested an order to deregister.<sup>1</sup>

<sup>1</sup> Investment Company Act Release No. 22326 (Nov. 12, 1996) (notice). After it has deregistered, BMCC intends to rely on the exemption provided by section 3(c)(6) of the Act. Section 3(c)(6) in

2. On November 20, 1996, applicant's board of directors and BMCC as applicant's sole shareholder approved applicant's dissolution pursuant to a plan of liquidation. On November 30, 1996, applicant distributed all of its assets, in the amount of \$1,244,197. All of applicant's unknown or contingent obligations will be assumed by BMCC, including expenses related to the liquidation. Such expenses are estimated to be \$4,000.

3. Applicant has retained no assets. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

4. Applicant has filed articles of dissolution with the State of Wisconsin.

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

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-31496 Filed 12-11-96; 8:45 am]

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[Release No. 34-38022; File No. SR-CBOE-96-72]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Interest Rate Options and RAES Order Size

December 5, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 26, 1996, the Chicago Board Options Exchange, Inc., ("CBOE" 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. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Exchange Rule 23.7, "RAES", to

relevant part excludes from the definition of investment company any company primarily engaged, directly or through majority-owned subsidiaries, in the business or purchasing or otherwise acquiring mortgages or other liens on and interests in real estate.

increase the maximum size of interest rate option orders eligible for entry into the CBOE's Retail Automated Execution System ("RAES") from 10 or fewer contracts to 100 or fewer contracts.

The text of the proposal is available at the Office of the Secretary, CBOE, and at the Commission.

## 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.

### (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend CBOE Rule 23.7 (ii) to increase the maximum size of orders in CBOE interest rate options eligible for execution through RAES from 10 or fewer contracts to 100 or fewer contracts. According to the CBOE, the proposed change is designed to better serve the needs of CBOE public customers and the Exchange by expanding the number of public customer orders for interest rate options that are able to realize the benefits of automatic execution, which include assured execution, faster turnaround time and more efficient transaction processing and reporting. In addition, the proposal is designed to keep the CBOE competitive with other markets with regard to the trading of interest rate derivatives.

The proposed increase in the maximum size of RAES-eligible interest rate option orders will apply to all classes of interest rate options.<sup>1</sup> According to the CBOE, much of the trading in interest rate derivatives currently occurs in markets where transaction sizes are larger than are eligible for automatic execution through RAES at the CBOE. The CBOE states

that the primary users of interest rate options are institutional customers.

Because the TYX interest rate contract offered at the CBOE represents approximately one-tenth (1/10th) of the value of the underlying government securities, the current eligible order limit of ten contracts is essentially equivalent in value to only one U.S. Treasury Bond option. The Exchange believes that the proposed increase in the maximum size of orders for CBOE interest rate options, such as the TYX, that are eligible for execution through RAES (essentially a "10-lot" in the Treasury Bonds themselves), will provide a more meaningful limit for the primary users of interest rate options, institutional customers.

CBOE believes that the proposed rule change will not impose any significant burdens on the operation and capacity of RAES, but instead will increase the efficiency of the Exchange's operations by expanding the number of orders that are eligible for automatic execution and by reducing manual processing.<sup>2</sup> Finally, the CBOE believes that the rule change will not have a negative impact on the capacity, security or integrity of RAES.

By expanding the maximum size of orders in CBOE interest rate options eligible for execution through RAES from 10 to 100 or fewer contracts, the Exchange believes that the proposed rule change will better serve the needs of the CBOE's public customers and the Exchange members who make a market for such customers. The CBOE believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.

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

The CBOE does not believe that the proposed rule change will 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 were solicited or received with respect of the proposed rule change.

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

Within 35 days after the publication of this notice in the Federal Register or within such longer 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 reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (a) By order approve such 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 submission 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 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 3, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>3</sup>

Magaret H. McFarland,

Deputy Secretary.

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<sup>1</sup> Currently, the CBOE offers four interest rate options, including the following: IRX (3-month Treasury Bill); FVX (5-year Treasury Note); TNX (10-year Treasury Note); TYX (30-year Treasury Bond).

<sup>2</sup> See Securities Exchange Act Release No. 33476 (January 13, 1994), 59 FR 3140 (January 20, 1994) (File No. SR-Amex-93-33) (order approving the American Stock Exchange, Inc.'s expansion of AUTO-EX order eligibility size to 99 contracts for Japan Index options).

<sup>3</sup> 17 CFR 200.30-3(a)(12) (1995).