

accounts that issue substantially identical contracts, have the same principal underwriter, and invest in the same underlying mutual funds. The consolidation will allow Security First Life to realize administrative efficiencies and operational cost savings.

6. The transaction will also allow owners of Fidelity Life Contracts to participate in a separate account that has greater assets than Fidelity Separate Account and that Applicants expect to grow, since sales of Security First Life Contracts will continue. The general account assets supporting the fixed obligations arising under the Fidelity Life Contracts will also be significantly greater when they are the assets of Security First Life.

7. Because the assets underlying the Fidelity Life Contracts and the Security First Life Contracts will continue to be invested in shares of one or more of the Funds in the same manner as before the Proposed Transaction, the assets underlying the Fidelity Life Contracts and the Security First Life Contracts will continue to be invested according to the investment policies recited in their respective registration statements filed pursuant to the 1940 Act.

8. Applicants assert that the Proposed Transaction is consistent with the general policies and purposes of the 1940 Act. The transfer does not present any of the issues or abuses that Section 17(a) in particular, and the 1940 Act in general, were designed to prevent. Applicants will effect the proposed transfer in a manner that is appropriate in the public interest and consistent with the protection of investors.

Conclusion

For the reasons summarized above, Applicants assert that the terms of the Proposed Transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, are consistent with the investment policies of Separate Account A and Fidelity Separate Account as recited in their registration statements, are consistent with the general purposes of the 1940 Act, and therefore meet the conditions for exemptive relief established by Section 17(b).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.
Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 96-26131 Filed 10-10-96; 8:45 am]
BILLING CODE 8010-01-M

[Investment Company Act Release No. 22264; 811-7944]

Voyageur Florida Insured Municipal Income Fund II; Notice of Application

October 4, 1996.

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

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

APPLICANT: Voyageur Florida Insured Municipal Income Fund II.

RELEVANT ACT SECTION: Section 8(f).

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

FILING DATE: The application was filed on September 16, 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 October 29, 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, 90 South Street, Suite 4400 Minneapolis, Minnesota 55402-4115.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942-0584, 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, diversified management investment company organized as a Massachusetts business trust. On August 5, 1993, applicant registered under the Act and filed a registration statement on Form N-2 under the Act and the Securities Act of 1933. Applicant's registration statement was not declared effective, and applicant made no public offering of its securities.

2. Applicant has no securityholders, debts, liabilities or assets. 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.

3. Applicant terminated its existence in Massachusetts in 1993.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-26129 Filed 10-10-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37787; File No. SR-CBOE-96-57]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to a Minor Rule Violation Plan Amendment To Create a Settlement Procedure for Position Limit Fines

October 4, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 25, 1996, the Chicago Board Options Exchange, Inc. ("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, pursuant to Rule 19b-4 of the Act, proposes to amend its minor rule violation plan to create an offer of settlement procedure for certain position limit violations.

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

¹ 15 U.S.C. § 78s(b)(1) (1988).

² 17 CFR 240.19b-4.

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

Under the minor rule violation provisions of Exchange Rule 17.50, the CBOE currently processes position limit violations not exceeding \$5,000 for any one trade date as summary fines. Exchange members whose fine for any one trade date does not exceed that threshold are summarily fined, including instances when consecutive trade dates violations occurred and significant fine amounts accumulated. If Exchange members wish to contest the summary fine(s), they are restricted to the contested fine procedures in the minor rule violation plan which permit either holding a hearing or presenting a written submission before the Business Conduct Committee ("Committee").

Based upon past experience with contested position limit summary fine matters, as well as an internal regulatory focus study, the Exchange proposes a new procedure so that members with significant position limit violations meeting certain criteria will be afforded an opportunity within the minor rule violation plan process to present one settlement offer before the Committee. Members with significant position limit summary fines do not presently have access to the settlement resolution process available to respondents under Exchange Rule 17.2 et seq. for regular disciplinary matters pending before the Committee, including making offers of settlement without admitting or denying the violations and personal appearances. Some members who proceeded to a contested fine hearing admitted that the violations occurred, and used the hearing forum solely to request that the fines be reduced or removed.

The CBOE proposes to add language to Interpretation and Policy .01 under Exchange Rule 17.50 to define what levels of position limit summary fines will trigger access to the new settlement procedure. In general, the CBOE will treat (a) position limit violations resulting in any one-day fine in excess of \$2,500, or (b) position limit violations resulting in an aggregate fine in excess of \$10,000 and involving five or more consecutive trade dates, as appropriate for an offer of settlement opportunity before the Committee.

The CBOE proposes to make the new settlement procedure available only with respect to position limit summary fines until the CBOE can further review

the effects on the minor rule violation plan process. In this regard, the CBOE notes that it has not experienced significant accumulations of fines by members for minor rule violations under Exchange Rule 17.50 other than position limit violations.

By providing an interim step to allow for settlement of position limit summary fines, the proposed rule change is expected to increase the efficiency of the minor rule violation plan process by saving the time and expense of both members and Exchange staff in preparing for summary fine hearings. According to the CBOE, the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act in that it is designed to refine and enhance the Exchange's minor rule violation plan as applied to position limit violations, thereby removing impediments to a free and open market and protecting investors and the public interest.

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

The self-regulatory organization does not believe that the proposed rule change will impose any inappropriate 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 to the proposed rule change.

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 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 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 CBOE. All submissions should refer to File No. SR-CBOE-96-57 and should be submitted by November 1, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority,³

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-26171 Filed 10-10-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37786; File No. SR-NYSE-96-21]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to the Entry of Limit-at-the-Close Orders

October 4, 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 July 31, 1996, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change and on October 2, 1996, filed Amendment No. 1 to the proposed rule change,¹ 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

³ 17 CFR 200.30-3(a)(12).

¹ See letter and Form 19b-4 from James E. Buck, Senior Vice President and Secretary, NYSE, to Ivette Lopez, Assistant Director, Division of Market Regulation, SEC, dated September 27, 1996. Amendment No. 1 expands the purpose section of the filing to provide a more detailed explanation of the reasons the Exchange is seeking to permit limit-at-the-close ("LOC") orders to be entered in any stock at any time during the trading day up to 3:40 p.m. on expiration days and 3:50 p.m. on non-expiration days. Thereafter, as with market-on-close ("MOC") orders, LOC orders could be entered only to offset published imbalances. This proposed revision of the LOC pilot would subject LOC orders to the same type of order entry and cancellation restrictions currently imposed on MOC orders.