

SAFECO undertakes to maintain at its home office, and make available upon request to the Commission and its staff, a memorandum setting out the basis for such conclusion.

9. SAFECO and First SAFECO also represent that the Separate Accounts will invest only in an underlying mutual fund which undertakes, in the event it should adopt any plan pursuant to Rule 12b-1 of the 1940 Act to finance distribution expenses, to have such plan formulated and approved by a board of directors, a majority of the members of which are not "interested persons" of such fund within the meaning of Section 2(a)(19) of the 1940 Act.

#### Conclusion

Applicants submit, for the reasons stated herein, that the requested exemptions from Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to permit the assessment of a mortality and expense risk charge meet the standards set out in Section 6(c) of the 1940 Act. Accordingly, Applicants assert that the requested exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

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

Margaret M. McFarland,  
*Deputy Secretary.*

[FR Doc. 95-23142 Filed 9-18-95; 8:45 am]

BILLING CODE 8010-01-M

#### SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2806]

##### Ohio; Declaration of Disaster Loan Area (Amendment #1)

The above-numbered Declaration is hereby amended, effective September 1, 1995, to include Erie and Lorain Counties in the State of Ohio as a disaster area due to damages caused by severe storms and flooding which occurred August 7-18, 1995.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Ashland, Cuyahoga, Huron, Medina, and Sandusky in the State of Ohio may be filed until the specified date at the previously designated location.

All other information remains the same, i.e., the termination date for filing applications for physical damage is October 24, 1995, and for loans for economic injury the deadline is May 28, 1996.

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

Dated: September 13, 1995.

James W. Hammersley,  
*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 95-23198 Filed 9-18-95; 8:45 am]

BILLING CODE 8025-01-P

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### Approval of Noise Compatibility Program; Austin Straubel International Airport, Green Bay, WI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Brown County under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150. These findings are made in recognition of the description of federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 20, 1995 the FAA determined that the noise exposure maps submitted by Brown County under part 150 were in compliance with applicable requirements. On July 19, 1995, the Administrator approved the Austin Straubel International Airport noise compatibility program as modified by supplemental information provided by the Austin Straubel International Airport Manager dated June 15, 1995 and comments with addenda and errata sheets dated November 16, 1995. Most of the recommendations of the program were approved.

**EFFECTIVE DATE:** The effective date of the FAA's approval of the Austin Straubel International Airport noise compatibility program is July 19, 1995.

**FOR FURTHER INFORMATION CONTACT:** William J. Flanagan, Federal Aviation Administration, Airports District Office, room 102, 6020 28th Avenue South, Minneapolis, Minnesota 55450, (612) 725-4463. Documents reflecting this FAA action may be reviewed at this location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the noise program for Austin Straubel International Airport, effective July 19, 1995.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979

(hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program that sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be

required, and a FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Minneapolis-Airports District Office in Minneapolis, Minnesota.

Brown County submitted to the FAA on July 28, 1993 the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from December 1991 through July 1993. The Austin Straubel International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on January 20, 1995. Notice of this determination was published in the Federal Register on February 21, 1995.

The Austin Straubel International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2000. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on January 20, 1995 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained fourteen (14) proposed actions for noise mitigation on and off the Airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective July 19, 1995.

Outright approval was granted for twelve (12) of the fourteen (14) specific program elements. Of the six (6) Operational Measures, the four (4) that were approved include Part 91 Stage 2 phase out, runway 12/30 relocation, balanced runway use, and noise abatement climb procedures. Both of the two (2) Capital Improvement Measures

were approved including acquisition of noise buffer zones and instrument landing system (ILS) for runway 18. All six (6) of the Land Use Measures were approved. These include comprehensive planning efforts, airport zoning districts, compatible development of airport property, noise level reduction requirements for new construction, airport noise disclosure statements, and a citizens advisory committee.

The two (2) Operational Measures that were disapproved pending submission of additional information were a restriction on "touch & go" landing operations and the monitoring of non-emergency night maintenance run-ups. The restriction on "touch & go" operations was determined to be lacking adequate analysis to satisfy part 150 approval requirements, such as how existing training operations might be affected or how the proposal was determined to be noise beneficial. The measure to monitor non-emergency night maintenance run-ups was also lacking in adequate analysis such as discussion of the airport's existing policy, existing location of run-ups in proximity to noise sensitive land uses, or other factors required to meet the approval requirements of 14 CFR part 150.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on July 19, 1995. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the airport administrative offices of Brown County.

Issued in Minneapolis, Minnesota on August 22, 1995.

Robert A. Huber,

*Acting Manager, Minneapolis Airports District Office.*

[FR Doc. 95-23210 Filed 9-18-95; 8:45 am]

BILLING CODE 4910-13-M

### **Aviation Rulemaking Advisory Committee; New Task**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** Notice is given of a new task assigned to and accepted by the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Chris Christie, Director, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence

Avenue SW., Washington, DC 20591; phone (202) 267-9677; fax (202) 267-5075.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator, through the Associate Administrator for Regulation and Certification, on the full range of the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitment to harmonize its Federal Aviation Regulations (FAR) and practices with its trading partners in Europe and Canada.

#### **The Task**

This notice is to inform the public that the FAA has asked ARAC to provide advice and recommendation on the following task:

Digital Information and Use: Review 14 CFR Parts 43, 121, 125, 129, 135, and 145, the corresponding sections of the European Joint Aviation Requirements (JAR), and supporting policy and guidance material, and recommend to the FAA appropriate revisions for harmonization, including advisory material, relative to the issue of regulations that prohibit or discourage the access or use of information, guidance material or performance data that is in digital or electronic form in order to permit the use of the other digital media.

The FAA also has asked that ARAC determine if rulemaking action (e.g., NPRM), should be taken, or advisory material should be issued. If so, ARAC has been asked to prepare the necessary documents, including economic analysis, to justify and carry out its recommendation(s).

#### **ARAC Acceptance of Task**

The ARAC Executive Committee has accepted the task and has chosen to establish a new Digital Information Working Group. The working group will serve as staff to the ARAC Executive Committee to assist it in the analysis of the assigned task. Working group recommendations must be reviewed and approved by the Executive Committee. If the Executive Committee accepts the working group's recommendations, it forwards them to the FAA as ARAC recommendations.

#### **Working Group Activity**

The Digital Information Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to: