establish standards to ensure that the plant was maintained and operated as designed, and to ensure that nonconforming conditions were promptly identified and corrected, constituted careless disregard of requirements. As such, the violations that resulted from that deficient safety culture, which fostered such disregard, were considered willful in accordance with the ''General Statement of Policy and Procedures for NRC Enforcement Actions NUREG–1600'' (Enforcement Policy).

In its May 25, 1999, letter, the NRC further stated that in consideration of (1) the undesirable consequences of performance of unanalyzed core offloads and the licensee's failure to ensure that SFP heat removal was conducted in accordance with approved procedures; (2) the significance of the licensee's providing incomplete and inaccurate information to the NRC; and (3) the significance that the NRC places on careless disregard of its requirements, the four violations had been classified, in the aggregate, as a Severity Level III violation in accordance with the NRC Enforcement Policy. For the reasons outlined in its letter of May 25, 1999, the staff exercised enforcement discretion and did not issue a civil penalty for the violations. In its letter, the NRC staff stated that discretion is appropriate because the licensee already implemented corrective actions to address the underlying performance problems at Millstone and further enforcement action is not necessary to achieve additional remedial actions.

In their Petition, the Petitioners requested that the NRC take enforcement action against the licensee pursuant to 10 CFR 50.5 and 50.9. Although not specifically for the reasons cited by the Petitioners (the Petitioners based their requests on their assertion that the licensee has knowingly, willingly, and flagrantly operated Millstone Unit 1 in violation of License Amendment Nos. 39 and 40 and that License Amendment Nos. 39 and 40 for Millstone Unit 1 are based on material false statements), the NRC did find that in two instances the licensee submitted incomplete and inaccurate information to the NRC related to the performance of fuel offloads that were actually being commenced before the delay times assumed in the analysis submitted to the NRC. Therefore, for the reasons previously given, the NRC's actions constitute a partial granting of the Petitioners' request regarding enforcement action pursuant to 10 CFR 50.5 and 50.9.

III. Conclusion

The staff has completed the investigations concerning the performance of fuel offloads at Millstone and has taken enforcement action as outlined in its letter and Notice of Violation to the licensee dated May 25, 1999. Therefore, to this extent, Petitioners' request for enforcement action against NNECO pursuant to 10 CFR 50.5 and 50.9 is partially granted.

As provided in 10 CFR 2.206(c), a copy of this Final Director's Decision will be filed with the Secretary of the Commission for the Commission's review. This Final Director's Decision will constitute the final action of the Commission (for Petitioners' Request 4) 25 days after its issuance, unless the Commission, on its own motion, institutes review of the Decision within that time.

Dated at Rockville, Maryland, this 27th day of July 1999.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99–19699 Filed 7–30–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Updated Statistical Definitions of Metropolitan Areas

AGENCY: Executive Office of the President, Office of Management and Budget, Office of Information and Regulatory Affairs.

ACTION: Notice.

SUMMARY: Pursuant to 44 U.S.C. 3504(e)(3) and 31 U.S.C. 1104(d) and Executive Order No. 10253 (June 11, 1951), the Office of Management and Budget (OMB) defines metropolitan areas (MAs) for use in Federal statistical activities in accordance with a set of standards published in the **Federal Register** on March 30, 1990 (55 FR 12154–12160).

On June 30, 1999, OMB updated the MA definitions in OMB Bulletin No. 99–04. Two new Metropolitan Statistical Areas (MSA) were defined based on the standards and the 1998 Bureau of the Census official population estimates:

(1) Auburn-Opelika, Alabama MSA (FIPS Code 0580) was defined effective June 30, 1999. The Auburn-Opelika, Alabama MSA comprises Lee County, Alabama. The MSA's central cities are Auburn, Alabama and Opelika, Alabama.

(2) Corvallis, Oregon MSA (FIPS Code 1890) was defined effective June 30, 1999. The Corvallis, Oregon MSA comprises Benton County, Oregon. The MSA's central city is Corvallis, Oregon.

OMB Bulletin No. 99–04 with the list of all MAs as of June 30, 1999, is available from the National Technical Information Service (NTIS), Document Sales, 5285 Port Royal Road, Springfield, VA 22161, telephone 703–605–6000 or 1–800–553–6847 (Accession Number PB99–132698). This list is also available through NTIS in electronic form (Accession Number PB99–501538). OMB Bulletin No. 99–04 and the current list of MAs are available electronically from the OMB home page at http://www.whitehouse.gov/OMB/bulletins/index.html.

For further information on MA standards and the statistical uses of MA definitions please call Suzann Evinger (202–395–7315). For information concerning the use of MA definitions in a particular Federal agency program, please contact the sponsoring agency directly.

John T. Spotila,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 99–19701 Filed 7–30–99; 7:30 am]

BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23920; 812–11696]

Alliance Capital Management, L.P.; Notice of Application

July 27, 1999.

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

ACTION: Notice of application for an order under sections 6(c) and 6(e) of the Investment Company Act of 1940 (the ''Act'') granting relief from all provisions of the Act, except sections 37 through 53 of the Act and the rules and regulations under those sections.

SUMMARY OF APPLICATION: Applicant, alliance Capital Management L.P. (''Alliance Holding''), requests an order under sections 6(c) and 6(e) of the Act exempting it from all provisions of the Act, except sections 37 through 53 of the Act and the rules and regulations under those sections.

FILING DATES: The application was filed on July 20, 1999.

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 August 17, 1999, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549–0609. Applicant, Alliance Capital Management L.P., 1345 Avenue of the Americas, New York, NY 10105.

FOR FURTHER INFORMATION CONTACT: Susan K. Pascocello, Senior Counsel, at (202) 942–0674, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, DC 20549–0102 (tel. (202) 942–8090).

Applicant's Representations

1. Applicant is a limited partnership organized under the laws of Delaware, with its equity interests publicly traded in the form of units (''Units''). Applicant provides diversified investment management services to institutional clients and individual investors. Applicant's sole general partner and holder of a 1% general partnership interest is Alliance Capital Management Corporation (''ACMC''), a wholly owned indirect subsidiary of The Equitable Life Assurance Society of the United States (''Equitable Life''). Equitable Life also owns, directly and indirectly, approximately 57% of the applicant's outstanding Units. Applicant's remaining Units are public held. For tax and business purposes discussed below, applicant proposes to reorganize into a new partnership structure (the ''Reorganization'').

2. Alliance Capital Management L.P. II (''Alliance Capital'') was formed as a Delaware private limited partnership in order to effect the Reorganization. Applicant will transfer its business to Alliance Capital, in exchange for equity interests in Alliance Capital (''Alliance Capital Units''). Immediately following the Reorganization, applicant's business activities will consist of holding Alliance Capital Units and engaging in related activities.[1] Alliance Capital will not be an investment company under section 3(a) of the Act, nor will it rely on an exemption from the definition of investment company under section 3(c)(1) or 3(c)(7) of the Act. Alliance Capital Units will not be listed on an exchange and will be subject to significant transfer restrictions.

3. Applicant states that after the Reorganization Alliance Capital will continue the business conducted by applicant prior to the Reorganization. Applicant also states that Equitable Life will have the same degree of control over, and the same ability to manage the business of, Alliance Capital, as it currently has with respect to applicant. Applicant further states that the reorganization will not result in any material change in the rights and benefits of its Unitholders. As a limited partner of Alliance Capital, applicant will be required to allow its Unitholders to vote on certain matters affecting Alliance Capital. Therefore, Unitholders will be allowed to vote with respect to Alliance Capital on those matters on which they currently vote with respect to applicant. As a result, applicant asserts that the Unitholders will be in substantially the same position following the Reorganization as they were prior to it.

4. A majority of applicant's public Unitholders (excluding Equitable Life and its affiliates and applicant's management and employees) must approve the Reorganization. A proxy solicitation will be conducted for that purpose. If the Reorganization is approved, applicant will offer to all its Unitholders, pursuant to an exchange offer, a one-time election to exchange outstanding Units on a one-for-one basis for Alliance Capital Units. Following the exchange offer, Equitable Life and its affiliates, other than applicant, will own approximately 55% of the Alliance Capital Units, and the remainder will be owned by applicant and any public Unitholders who accept the exchange offer. Applicant expects that it will own approximately 45% of Alliance Capital Units.

5. Applicant states that the purpose of the Reorganization is to offer a choice to Unitholders who are willing to accept the transfer restrictions on the privately placed Alliance Capital Units so that they may receive higher distributions as Alliance Capital is a private partnership and will not be subject to an annual federal tax imposed on the gross business income of publicly traded partnerships. It also will give applicant greater flexibility to acquire businesses and raise capital in the future, since it will be able to offer the selling party or potential investor the choice of whether to receive publicly-traded Units, tax advantaged Alliance Capital Units or a combination of both.

Applicant's Legal Analysis

1. Section 3(a)(1)(C) of the Act defines ''investment company'' to include any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40% of the value of that issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Under section 3(a)(2), ''investment securities'' includes all securities except (i) Government securities and (ii) securities issued by (a) employees' securities companies or (b) certain majority-owned subsidiaries.

2. Applicant states that its primary asset will be Alliance Capital Units. Alliance Capital will not be a majority-owned subsidiary of applicant, and therefore the Alliance Capital Units owned by applicant may be ''investment securities'' as defined in section 3(a)(2) of the Act. As the Alliance Capital Units will constitute virtually all of the assets of applicant, applicant may be deemed to be an investment company under section 3(a)(1)(C) of the Act.

3. Section 6(c) of the Act provides, in part, that the SEC may exempt any person from any provision of the Act or any rule under the Act if and to the extent the exemption is 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 Act. Section 6(e) permits the SEC to require companies exempted from the registration requirements of the Act to comply with certain specified provisions of the Act as though the company were a registered investment company. Applicant requests an order under sections 6(c) and 6(e) exempting it from all provisions of the Act, except section 37 through 53 of the Act and the

[1] Such activities will include filing periodic reports with the SEC pursuant to the Securities Exchange Act of 1934, maintaining its New York Stock Exchange listing, holding shareholder meetings, and holding certain assets for which consents for assignment or transfer to Alliance Capital must be obtained. These assets consist of contracts, such as leases and service contracts, licenses, including those obtained from governments and regulatory authorities, and regulatory and other approvals necessary for the conduct of Alliance Capital's business.

rules and regulations under those sections.

4. Applicant contends that there are legitimate business reasons for the Reorganization. Applicant also states that, following the Reorganization, applicant will function solely as a holding company for Alliance Capital Units. Alliance Capital Units will be subject to very significant transfer restrictions.[2] Applicant states that its activities will be limited to holding Alliance Capital Units and engaging in activities necessitated by its status as a publicly-held holding company. Accordingly, applicant asserts that its business following the Reorganization will not entail the types of risk to public investors that the Act was designed to mitigate.

Applicant's Conditions

Applicant agrees that the order granting the requested relief will be subject to the following conditions:

1. Applicant will not hold itself out as being engaged in the business of investing, reinvesting, or trading in securities.

2. Applicant will not require any investment securities, as that term is defined in section 3(a)(2) of the Act, except for: (a) Alliance Capital Units and (b) for cash management purposes, certificates of deposit, banker's acceptances and time deposits maturing within 180 days from the date of acquisition thereof, and shares of money market funds. Applicant will not acquire these short-term securities for speculative purposes but solely to obtain a reasonable return while preserving capital. Applicant may acquire other investment securities provided that (i) the acquisition is in connection with the purchase of any business, assets or property, (ii) applicant simultaneously with the purchase contributes the investment securities to Alliance Capital, (iii) applicant contributes any remaining portion of the purchased business, assets or property to Alliance Capital as soon as practicable, (iv) the value of the consideration received by applicant from Alliance Capital in connection with its contribution to Alliance Capital equals the fair value of the business, assets or property contributed to Alliance Capital and (v) any investment securities received by applicant from Alliance Capital in connection with applicant's contribution to Alliance Capital will be either Alliance Capital Units or investment securities of the type specified in clause (b) of the first sentence of this condition.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–19719 Filed 7–30–99; 8:45 am]

BILLING CODE 8010–01–M

[2] In general, the amended partnership agreement of Alliance Capital will permit Alliance Capital Units, including those which will be held by applicant, to be transferred only with the written consent of Equitable Life and ACMC. A business entity, such as applicant, may transfer a block of units representing more than 2% of the outstanding Alliance Capital Units without the consent of ACMC, provided that it has received the written consent of Equitable Life and a written opinion of counsel to the effect that Alliance Capital will not be treated as a publicly-traded partnership for tax purposes as a result of the transfer. Either Equitable Life or ACMC may withhold its consent to transfer in its sole discretion.

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23922; International Series Rel. No. 1201; 812–11038]

Caisse des Depots et Consignations; Notice of Application

July 27, 1999.

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

ACTION: Notice of application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(f) of the Act.

SUMMARY OF APPLICATION: The order would permit any registered investment company other than an investment company registered under section 7(d) of the Act (''U.S. Investment Company''), and its custodians or subcustodians to maintain foreign securities and other assets in France in the custody of applicant Caisse des Depots et Consignations (''CDC''), consistent with the requirements of rule 17f–5 under the Act.

FILING DATES: The application was filed on February 26, 1998. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

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 applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 on August 23, 1999, and should be accompanied by proof of service on applicants, 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, NW., Washington, DC 20549–0609. Applicant, c/o Leonard B. Mackey, Jr. Esq., Rogers & Wells LLP, 200 Park Avenue, New York, New York 10166.

FOR FURTHER INFORMATION CONTACT: J. Amanda Machen, Senior Counsel, at (202) 942–7120, or Nadya B. Roytblat, Assistant Director 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 at the SEC's Public Reference Branch, 450 fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicant's Representations

1. CDC is a quasi-governmental, public-sector financial institution created in 1816 under French law to safeguard deposits requiring a high degree of safety. CDC specifically is not designated as a bank, although CDC is permitted to conduct banking activities. CDC's traditional activities involve safeguarding and managing financial assets, particularly pension plan assets and assets collected by the French savings bank network. In addition, CDC is involved, directly and indirectly, in a broad range of financial activities, including life insurance, local development, banking, capital market activities, and third-party asset management. CDC is the leading securities custodian in France, with assets held in custody at 1998 year-end of approximately US$726.2 billion.

2. CDC's total assets as of December 31, 1998 were approximately US$171 billion, with reserves and retained earnings (the excess of CDC's assets over its liabilities) of approximately US$13 billion. CDC's debt securities are rated AAA by Standard & Poor's Ratings Group and Aaa by Moody's Investors Service, Inc. Although CDC is not subject to any net capital or compulsory reserve regulations, CDC complies on a voluntary basis with the solvency ratio regulations that apply to banks in France. CDC's financial statements are prepared in accordance with the French generally accepted accounting principles applicable to banking and financial institutions and they are audited by two independent accounting firms using the same accounting standards applicable to French banks.

3. Under French law, only specified institutions, including banks and CDC,