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(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 23rd day of April 1998.

For the Nuclear Regulatory Commission.

**John W. Craig,**

*Director, Division of Regulatory Applications,  
Office of Nuclear Regulatory Research.*

[FR Doc. 98-11914 Filed 5-4-98; 8:45 am]

BILLING CODE 7590-01-P

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for OMB Review; Comment Request for Reclearance of an Information Collection: Form RI 20- 80

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Public Law 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for reclearance of an information collection. RI 20-80, Alternative Annuity Election, is used for individuals who are eligible to elect whether to receive a reduced annuity and a lump-sum payment equal to their retirement contributions (alternative form of annuity) or an unreduced annuity and no lump sum.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 200 RI 20-80 forms are completed annually. We estimate it takes approximately 20 minutes to complete the form. The annual burden is 67 hours. For copies of this proposal, contact Jim Farron on (202) 418-3208, or E-mail to jmfarron@opm.gov

**DATES:** Comments on this proposal should be received by July 6, 1998.

**ADDRESSES:** Send or deliver comments to—Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415.

#### FOR INFORMATION REGARDING

**ADMINISTRATIVE COORDINATION CONTACT:** Mary Beth Smith-Toomey, Budget & Administrative Services Division, (202) 606-0623.

U.S. Office of Personnel Management.

**Janice R. Lachance,**

*Director.*

[FR Doc. 98-11845 Filed 5-4-98; 8:45 am]

BILLING CODE 6325-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23162; 812-10690]

### Brinson Supplementary Trust, et al.; Notice of Application

April 29, 1998.

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

**ACTION:** Notice of application for an order under sections 6(c) and 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from section 17(a) of the Act, and under section 17(d) of the Act and rule 17d-1 under the Act to permit certain joint transactions.

**SUMMARY OF APPLICATION:** Applicants request an order to permit The Brinson Funds, the Brinson Relationship Funds (the "Relationship Funds") Fort Dearborn Income Securities, Inc. ("Ft. Dearborn," together with The Brinson Funds, and the Relationship Funds, the "Funds"), private accounts ("Private Accounts") managed by Brinson Partners, Inc. (the "Adviser"), and collective trusts ("Collective Trusts") which have Brinson Trust Company as a trustee to (a) use cash collateral received from the borrowers of their portfolio securities to purchase shares ("Shares") of the Brinson Supplementary Trust (the "Trust"), an affiliated private investment company, and (b) use uninvested cash to purchase Shares of Trust.

**APPLICANTS:** Funds, Trust, and the Adviser.

**FILING DATES:** The application was filed on June 3, 1997, and amended on February 20, 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 p.m. on May 26, 1998, 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 who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 209 South LaSalle Street, Chicago, IL 60604-1295.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen L. Knisely, Staff Attorney, at (202) 942-0517, 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, N.W., Washington, D.C. 20549 (tel. 202-942-8090).

#### Applicants' Representations

1. The Brinson Funds and the Relationship Funds are registered under the Act as open-end management investment companies and are organized as Delaware business trusts. The Brinson Funds currently offers eight series. The Relationship Funds currently offers sixteen series.<sup>1</sup>

2. Ft. Dearborn is registered under the Act as a closed-end management investment company and is incorporated under Illinois law. Shares of Ft. Dearborn are listed on the New York Stock Exchange ("NYSE").

<sup>1</sup> The Relationship Funds currently offers a money market fund series, Brinson U.S. Cash Management Prime Fund, which is not included as an applicant and does not intend to rely upon the order.

3. The Collective Trusts are collective investment trusts for which Brinson Trust Company serves as trustee. The Collective Trusts contain exclusively assets of public and private employee pension plans. The Collective Trusts have been established in accordance with section 3(c)(11) under the Act.

4. The Adviser, a Delaware corporation, is registered under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Funds. The Adviser also manages the daily investment and business affairs of the Collective Trusts and Private Accounts. The Adviser is entitled to receive monthly management fees from the Funds, other than the Relationship Funds, (the "Advisory Fees") but has agreed irrevocably to waive the Advisory Fees and reimburse expenses of certain of The Brinson Funds so that the total annual operating expenses of each of these Funds will not exceed a certain percentage of such Fund's average daily net assets.

5. The Trust is organized as a Delaware business trust and will initially consist of two series: The Brinson Supplementary Trust-U.S. Cash Management Mutual Fund Trust (the "Mutual Fund Series") and the Brinson Supplementary Trust-U.S. Cash Management Fund (the "Cash Fund Series"). The Trust will be a private investment company relying on section 3(c)(7) of the Act. At all times at least 40% of the board of trustees of the Trust ("Board") will not be "interested persons," as defined in section 2(a)(19) of the Act ("Independent Trustees"). The Trust currently has three trustees, all of whom are Independent Trustees.

6. The Trust will retain the Adviser to manage the investments of the Cash Fund Series and the Mutual Fund Series. The Adviser will receive no compensation for managing the assets of the Cash Fund Series, but will receive a monthly fee at the annual rate of .0025% of the average daily net assets of the Mutual Fund Series for its services with respect to that series ("Trust Management Fee").

7. The Funds, Collective Trusts, and Private Accounts may have uninvested cash ("Uninvested Cash"). Such Uninvested Cash may result from a variety of sources, including reserves held for temporary defensive purposes, pending investment in securities or debt obligations, to cover an obligation or commitment of a Fund to purchase securities or other assets at a later date, or to be invested on a strategic investment management basis.

8. The Funds, Collective Trusts, and Private Accounts may also participate in a securities lending program

("Program") to increase their income by lending portfolio securities to registered broker-dealers or institutional investors deemed by the Adviser to be qualified. The Funds, Collective Trusts, and Private Accounts may have cash collateral ("Cash Collateral") posted by borrowers in connection with the Program.

9. Applicants seek an order under the Act to permit the Funds<sup>2</sup> to use Uninvested Cash and Cash Collateral to purchase and redeem Shares of the Trust. By investing in Shares, applicants anticipate that the Funds will be able to reduce transaction costs, create more liquidity, enjoy greater returns on the Uninvested Cash and Cash Collateral, and achieve greater diversification with respect to investment of Uninvested Cash and Cash Collateral.

10. It is currently anticipated that Shares of the Mutual Fund Series will be sold to The Brinson Funds and Ft. Dearborn and Shares of the Cash Fund Series will be sold to the Relationship Funds, Collective Trusts, and Private Accounts. The Trust will offer redemption of its Shares at the current net asset value per Share on each business day on which the NYSE is open. Each of the Trust Series which will sell its Shares to investment companies registered under the Act will comply with all requirements of rule 2a-7 under the Act and will use the amortized cost method of valuation to determine its net asset value per share.

#### Applicants' Legal Analysis

1. Sections 17(a)(1) and 17(a)(2) of the Act make it unlawful for any affiliated person of a registered investment company, acting as principal, to sell or purchase any security to or from the company. Section 17(d) of the Act and rule 17d-1 under the Act prohibit any affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in any joint enterprise or arrangement in which the investment company is a participant, unless the SEC has issued an order authorizing the arrangement.

2. Section 2(a)(3) of the Act defines an affiliated person of an investment

<sup>2</sup> Applicants also request relief for registered management investment companies and series thereof (except for an investment company or series thereof that holds itself out as a money market fund) that in the future are advised by the Adviser or any person controlling, controlled by, or under common control with the Adviser. Each registered investment company that currently intends to rely on the order has been named as an applicant. Any registered investment company that in the future seeks to rely on the order will do so only in accordance with the terms and conditions of the application.

company to include, among others: (i) Any person that owns 5% or more of the outstanding voting securities of the investment company; (ii) any investment adviser of the investment company; and (iii) any person directly or indirectly controlling, controlled by, or under common control with that person. The Funds and the Trust share a common investment adviser and thus may be deemed to be under common control. The Trust also may be considered an affiliated person of a Fund to the extent that a Fund owns 5% or more of the Shares. As a result, section 17(a) would prohibit the sale of Shares to the Funds, and the redemption of the Shares by the Trust. Applicants also believe that the Funds, Collective Trusts, and Private Accounts by purchasing Shares of the Trust; the Adviser, by managing the Funds, Collective Trusts, and Private Accounts; and the Trust, by selling Shares to and redeeming Shares from the Funds, Collective Trusts, and Private Accounts could be deemed to be "joint participants" in a "joint enterprise or joint arrangement" within the meaning of section 17(d) of the Act and rule 17d-1 under the Act.

3. Section 17(b) of the Act authorizes the SEC to exempt a transaction for section 17(a) if 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, and the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act. Section 6(c) of the Act permits the SEC to exempt persons or transactions from any provision of the act, if the exemption is necessary or appropriate in the public interests and consistent with the protection of investors and the purposes of fairly intended by the policy and provisions of the Act. Applicants submit, for the reasons discussed below, that their request for relief satisfies these standards.

4. Applicants state that the Funds will be treated like all other shareholders of the Trust and will purchase and redeem Shares on the same terms and on the same basis as Shares are purchased and redeemed by all other shareholders of the Trust, including the Private Accounts and Collective Trusts.

5. Applicants further state that shareholders of the Funds will not be subject to duplicative management fees. As long as the Trust Management Fee is charged, an amount of Advisory Fee equal to the net asset value of Shares of the Mutual Fund Series that are held by a Fund multiplied by the applicable

Trust Management Fee rate charged by the Adviser, will be waived in the calculation of the overall advisory fees paid by such Fund.<sup>3</sup>

6. The Trust will comply with the prohibitions on affiliated transactions set forth in sections 17(a), (d), and (e) of the Act, except to the extent necessary to permit the Funds to invest Uninvested Cash and Cash Collateral in the Trust as described in the application. The Trust will also comply with the prohibitions against leveraging and issuing senior securities set forth in section 18 of the Act and the requirements of section 22(e) of the Act which governs rights of redemption. Applicants thus argue that permitting the Funds to invest Uninvested Cash and Cash Collateral in Shares of the Trust will enable the Funds to invest in a vehicle that is similar to a registered investment company in terms of liquidity, diversity, and quality of its investments at a cost that is expected to be significantly lower than the cost typically incurred when investing in a registered investment company.

#### Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. A majority of the board of directors or trustees of a Fund (including a majority of the directors or trustees who are not "interested persons" of the Fund within the meaning of section 2(a)(19) of the Act) will initially and at least annually thereafter determine that the investment of Uninvested Cash and Cash Collateral in Shares of the Trust is in the best interests of the Fund and its shareholders.

2. With respect to any Fund that invests in the Trust, the Adviser will reduce its Advisory Fees<sup>4</sup> charged to such Fund by an amount (the "Reduction Amount") equal to the net asset value of such Fund's holdings in the Trust multiplied by the rate at which advisory fees are charged by the Adviser to the Trust. Any fees remitted or waived pursuant to this condition will not be subject to recoupment by the Adviser or its affiliated persons at a later date.

3. If the Adviser waives any portion of its fees or bears any portion of the expenses of a Fund (an "Expense Waiver"), the adjusted fees for such Fund (gross fees less Expense Waiver) will be calculated with reference to the

Reduction Amount. Adjusted fees then will be reduced by the Reduction Amount. If the Reduction Amount exceeds adjusted fees, the Adviser will reimburse such Fund in an amount equal to such excess.

4. Investment in Shares will be in accordance with each Fund's respective investment restrictions and will be consistent with its policies as recited in its registration statement and prospectus.

5. Each Fund will invest Uninvested Cash in, and hold Shares of, the Trust only to the extent that the Fund's aggregate investment of Uninvested Cash in the Trust does not exceed 25% of the Fund's total assets.

6. The Trust will comply with the requirements of sections 17(a), 17(d), and 18 of the Act as if the Trust were a registered open-end management investment company. With respect to all redemption requests made by a Fund, the Trust will comply with section 22(e) of the Act. The Trust's Board will adopt procedures designed to ensure that the Trust complies with sections 17(a), 17(d), 17(e), 18, and 22(e) of the Act. The Trust's Board will also periodically review and periodically update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a-1(b)(1), 31a-1(b)(2)(ii), and 31a-1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the SEC and its staff.

7. Each of the Trust Series which will sell its Shares to investment companies registered under the Act will comply with rule 2a-7 under the Act. For each such Trust Series, the Trust will value the Shares, as of the close of business on each business day, using the "amortized cost method," as defined in rule 2a-7 under the Act, to determine the net asset value per share of such Trust Series. For each such Trust Series, the Trust will, subject to approval by the Board, adopt the monitoring procedures described in rule 2a-7(c)(6) under the Act and the Adviser will comply with such procedures and take such other actions as are required to be taken pursuant to such procedures.

8. The Shares will not be subject to a sales load, redemption fee, asset-based sales charge, or service fee (as defined in rule 2830(b)(9) of the Conduct Rules of the National Association of Securities Dealers, Inc.).

9. Each Fund will purchase and redeem Shares of a Trust Series as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis, as other shareholders of the Trust Series. A separate account will be established in the shareholder records of the Trust for the account of each Fund.

10. Each Fund, the Trust, and any future registered management investment company that may rely on the order will be advised by the Adviser or a person controlling, controlled by, or under common control with the Adviser.

11. A majority of the directors or trustees of each Fund will not be "interested persons" as that term is defined in section 2(a)(19) of the Act.

12. The Trust will not acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

13. The securities lending program of each Fund will comply with all present and future applicable SEC and SEC staff positions regarding securities lending arrangements (including, without limitation, the type and amount of collateral, voting of loaned securities, limitations on the percentage of portfolio securities on loan, prospectus disclosure, termination of loans, receipt of dividends or other distributions, and compliance with fundamental policies).<sup>5</sup>

14. The net asset value per share with respect to Shares of the Trust will be determined separately for each Trust Fund Series, less the liabilities of the Trust Series, by the number of Shares outstanding with respect to Trust.

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

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 98-11847 Filed 5-4-98; 8:45 am]

BILLING CODE 8010-01-M

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## SOCIAL SECURITY ADMINISTRATION

### Information Collection Activities; Comment Requests

This notice lists information collection packages that will require submission to the Office of Management and Budget (OMB), as well as information collection packages submitted to OMB for clearance, in compliance with PL. 104-13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information

<sup>5</sup> See, e.g., SIFE Trust Fund (pub. avail. Feb. 17, 1982).

<sup>3</sup> The Relationship Funds do not pay any advisory fees and no calculation will be necessary for such Funds.

<sup>4</sup> The Relationship Funds do not pay any advisory fees and no calculation will be necessary for such Funds.