

by the Commission. Principal design criteria established by an applicant and accepted by the Commission will be incorporated by reference in the construction permit. The SOC also notes that in considering the issuance of an operating license under part 50, the Commission will require assurance that these criteria have been satisfied in the detailed design and construction of the facility and any changes in such criteria are justified. It should be noted that a proposed Appendix A to 10 CFR part 50 was published in the **Federal Register** on July 11, 1967, and the comments and suggestions received in response to the notice of proposed rule making and subsequent developments in the technology and in the licensing process have been considered in developing the general design criteria.)

- Appendix A to 10 CFR part 50, General Design Criterion (GDC) 13, "Instrumentation and control," which addresses the provision of appropriate instrumentation and controls to monitor and control systems and variables during normal operation, anticipated operational occurrences, and accident conditions as appropriate to ensure adequate safety.

- Appendix A to 10 CFR part 50, GDC 19, "Control room," which requires the provision of a control room from which actions can be taken to operate the nuclear plant safely.

- Appendix A to 10 CFR part 50, GDC 23, "Protection system failure modes," which requires that the protection system shall be designed to fail into a safe state or into a state demonstrated to be acceptable on some other defined basis.

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

For the Nuclear Regulatory Commission.

**Jack W. Roe,**

*Acting Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-2182 Filed 1-28-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8989; License No. SUA-1559]

### Envirocare of Utah, Inc.; Notice of Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by petition dated December 12, 1997, Mr. Thomas B. Cochran, Director of Nuclear Programs, Natural Resources Defense Council (NRDC) requested that the U.S.

Nuclear Regulatory Commission (NRC) take action with regard to Envirocare of Utah, Inc. (Envirocare). The Petitioner requests that the NRC: (1) Conduct an immediate investigation of issues raised in the Petition and immediately suspend Envirocare's NRC license; (2) conduct an investigation of possible criminal violations of section 223 of the Atomic Energy Act of 1954, as amended (the Act); (3) immediately suspend Envirocare's license with the State of Utah, under section 274j(2) of the Act; (4) investigate the adequacy of the State of Utah agreement state program to protect whistle blowers; (5) contact each current and former Envirocare employee personally, on a confidential basis, to advise them of their rights to inform the NRC of unsafe practices and violations, to inform them of the protections available to them, and to ask them if they have any information which they wish to disclose, on a confidential basis or otherwise; and (6) order a special independent review of Envirocare's relationships with its employees, along the lines of the review ordered by the NRC for the Millstone site.

As a basis for this request, the petitioner states that Envirocare's employee-related practices and contractual provisions constitute a violation of 42 U.S.C. 5851 and the NRC's whistle blower protection regulations under Parts 19 and 40 of Title 10 of the Code of Federal Regulations (i.e., 10 CFR 19.16, 19.20, and 40.7). Specifically, the petitioner states that current and former Envirocare employees who have provided to governmental authorities information adverse to Envirocare's interests fear for their lives and the lives of their families, should their identities become known to an officer of Envirocare. The petitioner also states that certain provisions in Envirocare's standard employment contract prevent its employees from disclosing to the NRC information concerning unsafe practices and violations under the NRC license and threaten them with severe financial penalties in the event of a disclosure.

The request for an investigation and the suspension of Envirocare's NRC license is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Material Safety and Safeguards. As provided by § 2.206, appropriate action will be taken on this petition within a reasonable time. By letter dated January 16, 1998, the Director denied the petitioner's request for immediate action concerning Envirocare's NRC license. A copy of the petition is

available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 16th day of January 1998.

For the Nuclear Regulatory Commission.

**Carl J. Paperiello,**

*Director, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 98-2178 Filed 1-28-98; 8:45 am]

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## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

### Comments Are Invited On

(a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

### Title and Purpose of Information Collection

Withholding Certificate for Railroad Retirement Monthly Annuity Payments; OMB 3220-0149.

The Internal Revenue Code requires all payers of tax liable private pensions to U.S. citizens to: (1) Notify each recipient at least concurrent with initial withholding that the payer is, in fact, withholding benefits for tax liability and that the recipient has the option of electing not to have the payer withhold, or to withhold at a specific rate; (2) withhold benefits for tax purposes (in the absence of the recipient's election not to withhold benefits); and (3) notify all beneficiaries, at least annually, that they have the option of changing their withholding status or elect not to have benefits withheld.

The Railroad Retirement Board provides Form RRB-W4P, Withholding Certificate for Railroad Retirement

Payments, to its annuitants to exercise their withholding options. Completion of the form is required to obtain or retain a benefit. One response is requested of each respondent.

No changes are being proposed to the current version of Form RRB W-4P used by the RRB. The RRB estimates that 25,000 annuitants utilize Form RRB W-4P annually. The completion time for Form RRB W-4P varies depending on individual circumstances. The average completion time for Form RRB W-4P is estimated at 40 minutes for recordkeeping, 20 minutes for learning about the law or the form, and 49 minutes for preparing the form.

**ADDITIONAL INFORMATION OR COMMENTS:** To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092. Written comments should be received within 60 days of this notice.

**Chuck Mierzwa,**  
Clearance Officer.

[FR Doc. 98-2129 Filed 1-28-98; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-23007; 812-10932]

### American Century Capital Investment Management, Inc., et al.; Notice of Application

January 22, 1998.

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

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

**APPLICANTS:** American Century Capital Portfolios, Inc. (the "Company"), on behalf of its series American Century Real Estate Fund (the "Fund"), American Century Investment Management, Inc. (the "Advisor"), RREEF Real Estate Securities Adviser, L.P. (the "Subadvisor"), and ROMEO America, L.L.C. (the "New Subadvisor").

**RELEVANT ACT SECTIONS:** Order requested under section 6(c) of the Act to exempt applicants from the provisions of section 15 (a) of the Act.

**SUMMARY OF APPLICATION:** Applicants seek an order to permit the

implementation, without prior shareholder approval, of an investment subadvisory agreement ("New Subadvisory Agreement") among the Fund, the Advisor and the New Subadvisor for a period of up to 120 days following the later of the acquisition of substantially all the assets of the Subadvisor by the New Subadvisor or the date on which the order is issued, but in no event later than May 27, 1998 (the "Interim Period"). The order would also permit the New Subadvisor to receive from the Advisor fees earned under the New Subadvisory Agreement following approval by the Fund's shareholders.

**FILING DATES:** The application was filed on December 29, 1997. Applicant has agreed to file an amendment, the substance of which is incorporated in this notice, during the notice period.

**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 February 13, 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 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, c/o Skadden, Arps, Slate, Meagher & Flom (Illinois), 333 West Wacker Drive, Suite 2300, Chicago, Illinois 60606, Attn: Peter C. Krupp.

**FOR FURTHER INFORMATION CONTACT:** Lawrence W. Pisto, Senior Counsel, at (202) 942-0527, 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, DC 20549 (tel. (202) 942-8090).

### Applicants' Representations

1. The Company is a Maryland corporation registered under the Act as an open-end management investment company. The Fund is a series of the Company. The Advisor, a Delaware

corporation and an investment adviser registered under the Investment Advisers Act of 1940 ("Advisers Act"), acts as the Fund's investment adviser. The Subadvisor, a California limited partnership and an investment adviser registered under the Advisers Act, acts as subadvisor to the Fund under the terms of a subadvisory agreement (the "Existing Subadvisory Agreement"). The New Subadvisor is a Delaware limited liability company and an indirect, wholly-owned subsidiary of ROMEO U.S. Group, Inc. ("ROMEO"). The applicants represent that the New Subadvisor will be a duly registered investment adviser under the Advisers Act because either (i) the New Subadvisor shall have filed a Form ADV with the SEC that has become effective on or before the Closing Date (as defined below), or (ii) in reliance on section 203(g) of the Advisers Act.

2. The New Subadvisor has agreed to acquire and purchase substantially all of the assets of the Subadvisor pursuant to an acquisition agreement dated December 14, 1997 (the "Acquisition"). In connection with the Acquisition, the Subadvisor will transfer all of the investment advisory agreements to which the Subadvisor is a party, including the Existing Subadvisory Agreement, to ROMEO. Applicants expect that the Acquisition will be consummated on January 27, 1998.

3. The consummation of the Acquisition will result in an assignment of the Existing Subadvisory Agreement within the meaning of section 2(a)(4) of the Act, terminating such agreement according to its terms and the Act. Applicants seek an exemption to permit: (i) The implementation, without prior shareholder approval, of the New Subadvisory Agreement; and (ii) the New Subadvisor to receive from the Advisor, subject to shareholder approval, any and all fees earned under the New Subadvisory Agreement during the Interim Period. The requested exemption would cover an Interim Period of not more than 120 days beginning on the later of the day the Acquisition is consummated (the "Closing Date"), or the issuance of the requested order and continuing through the date the New Subadvisory Agreement is approved by the shareholders of the Fund (and in any event no later than May 27, 1998).<sup>1</sup> The

<sup>1</sup> Applicants state that if the Closing Date precedes issuance of the requested order, the New Subadvisor will serve as subadvisor to the Fund after the Closing Date and until the issuance of the order in a manner consistent with its fiduciary duty. Applicants also state that the Advisor will be required to pay to the New Subadvisor, with respect to the period from the Closing Date until the