

requests that all such comments be forwarded to the below contact no later than January 30, 2000, for consideration in the final proposal that will be submitted for Commission approval by May 30, 2000. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

*To Submit Comments:* Submit written comments to C. E. Carpenter, Office of Nuclear Reactor Regulation, M/S O-7-D-4, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, 301-415-2169, email cec@nrc.gov. Written comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC.

*Contact:* C. E. Carpenter, 301-415-2169, email cec@nrc.gov.

Dated at Rockville, MD this 3rd day of December, 1999.

For the Nuclear Regulatory Commission.

**Jack R. Strosnider,**

*Director, Division of Engineering, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-32190 Filed 12-10-99; 8:45 am]

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## RAILROAD RETIREMENT BOARD

### Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C., Section 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 2000, shall be at the rate of 26½ cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning January 1, 2000, 38.7 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 61.3 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus 100 percent of the

taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: December 2, 1999.

By Authority of the Board.

**Beatrice Ezerski,**

*Secretary of the Board.*

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

[Extension: Rule 34b-1; SEC File No. 270-305; OMB Control No. 3235-0346]

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Filings and Information Services, 450 Fifth Street, N.W., Washington, D.C. 20549.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*], the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

#### Rule 34b-1 Under the Investment Company Act of 1940, Sales Literature Deemed to be Misleading

Rule 34b-1 under the Investment Company Act of 1940 ("Investment Company Act") [17 CFR 270.34b-1] governs sales material that accompanies or follows the delivery of a statutory prospectus ("sales literature") Rule 34b-1 deems to be materially misleading any investment company sales literature, required to be filed with the Commission by section 24(b) of the Investment Company Act,<sup>1</sup> that includes any information that purports to show the investment performance of the fund unless it also includes performance data calculated in a manner prescribed by rule 482 under the Securities Act of 1933. Requiring the inclusion of such standardized performance data in sales

<sup>1</sup> Sales literature addressed to or intended for distribution to prospective investors shall be deemed filed with the Commission for purposes of Section 24(b) of the Investment Company Act upon filing with a national securities association registered under Section 15A of the Securities Exchange Act of 1934 that has adopted rules providing standards for the investment company advertising practices of its members and has established and implemented procedures to review that advertising. Rule 24b-3 under the Investment Company Act [17 CFR 270.24b-3].

literature is designed to prevent misleading performance claims by funds and to enable investors to make meaningful comparisons among fund performance claims.

It is estimated that approximately 545 respondents file five responses annually in compliance with rule 34b-1. The burden from rule 34b-1 requires approximately 2.4 hours per response resulting from creating the information required under rule 34b-1. The total burden hours for rule 34b-1 would be 6,540 hour per year in the aggregate. The estimated annual burden of 6,540 hours represents an increase of 3,096 hours over the prior estimate of 3,444 hours. The increase in burden hours is attributable to an increase in the number of respondents from 287 to 545.

The estimates of average burden hours are made solely for the purposes of the PRA and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

Dated: December 6, 1999.

**Jonathan G. Katz,**

*Secretary.*

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