

(5) *Type of request:* Extension of a currently approved collection.
 (6) *Respondents:* Program planning or management.

(7) *Estimated annual number of respondents:* 25,000.

(8) *Total annual responses:* 25,000.

(9) *Total annual reporting hours:* 1.

(10) *Collection description:* Under Public Law 98-76, railroad retirement beneficiaries' Tier II, dual vested and supplemental benefits are subject to income tax under private pension rules. Under Public Law 99-514, the non-social security equivalent benefit portion of Tier I is also taxable under private pension rules. The collection obtains the information needed by the Railroad Retirement Board to implement the income tax withholding provisions.

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312-751-3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 and the OMB reviewer, Joe Lackey (202-395-7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,
 Clearance Officer.

[FR Doc. 01-13653 Filed 5-30-01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-24992]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

May 24, 2001.

The following is a notice of a applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of May, 2001. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW, Washington, DC 20549-0102 (tel. 202-942-8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant 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 June 19, 2001, and should be accompanied by proof of service on the

applicant, 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 Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549-0609. For Further Information Contact: Diane L. Titus, at (202) 942-0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, NW., Washington, DC 20549-0506.

Nuveen Tax Exempt Unit Trust Series 3—National Trust 3 [File No. 811-1109]; Nuveen Tax Exempt Unit Trust Series 4 [File No. 811-1110]; Nuveen Tax Exempt Unit Trust Series 5 [File No. 811-1230]; Nuveen Tax Exempt Unit Trust Series 6 [File No. 811-1238]; Nuveen Tax Exempt Unit Trust Series 7 [File No. 811-1260]; Nuveen Tax Exempt Unit Trust Series 8 [File No. 811-1291]; Nuveen Tax Exempt Unit Trust Series 16 [File No. 811-1547]; Nuveen Tax Exempt Unit Trust Series 9 [File No. 811-1306]; Nuveen Tax Exempt Unit Trust Series 12 [File No. 811-1395]; Nuveen Tax Exempt Unit Trust Series 13 [File No. 811-1439]; Nuveen Tax Exempt Unit Trust Series 14 [File No. 811-1480]; Nuveen Tax Exempt Unit Trust Intermediate Series 1 [File No. 811-2664]

Summary: Each applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. Between April 15, 1991, and December 15, 1991, each applicant made a liquidating distribution to its shareholders based on net asset value. Applicants incurred no expenses in connection with the liquidations.

Filing Date: The applications were filed on April 18, 2001.

Applicants' Address: 333 West Wacker Drive, Chicago, IL 60606.

Nuveen Tax Exempt Unit Trust Series 23 [File No. 811-1962]; Nuveen Tax Exempt Unit Trust Series 24 [File No. 811-2022]; Nuveen Tax Exempt Unit Trust Series 26 [File No. 811-2049]

Summary: Each applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On July 15, 1991, October 15, 1991, and August 15, 1992, respectively, each applicant made a liquidating distribution to its shareholders based on net asset value. Applicants incurred no expenses in connection with the liquidations.

Filing Date: The applications were filed on April 19, 2001.

Applicants' Address: 333 West Wacker Drive, Chicago, IL 60606.

Nuveen Tax Exempt Unit Trust Series 28 [File No. 811-2068]; Nuveen Tax Exempt Unit Trust Series 21 [File No. 811-1839]; Nuveen Tax Exempt Unit Trust Series 18 [File No. 811-1654]

Summary: Each applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On March 15, 1996, August 15, 1996, and August 15, 1998, respectively, each applicant made a liquidating distribution to its shareholders based on net asset value. Applicants incurred no expenses in connection with the liquidations.

Filing Date: The applications were filed on April 19, 2001.

Applicants' Address: 333 West Wacker Drive, Chicago, IL 60606.

Nuveen Tax Exempt Unit Trust Series 36 National Trust 36 [File No. 811-2179]; Nuveen Tax Exempt Unit Trust Series 40 National Trust 40 [File No. 811-2244]

Summary: Each applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On November 15, 1994, each applicant made a liquidating distribution to its shareholders based on net asset value. Applicants incurred no expenses in connection with the liquidations.

Filing Date: The applications were filed on April 19, 2001.

Applicants' Address: 333 West Wacker Drive, Chicago, IL 60606.

Nuveen Tax Exempt Unit Trust Series 37 National Trust 37 [File No. 811-2198]; Nuveen Tax Exempt Unit Trust Series 27 [File No. 811-2059]; Nuveen Tax Exempt Unit Trust Series 17 [File No. 811-1575]

Summary: Each applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On February 15, 1992, each applicant made a liquidating distribution to its shareholders based on net asset value. Applicants incurred no expenses in connection with the liquidations.

Filing Date: The applications were filed on April 19, 2001.

Applicants' Address: 333 West Wacker Drive, Chicago, IL 60606.

Nuveen Tax Exempt Unit Trust Series 11 [File No. 811-1378]; Nuveen Tax Exempt Unit Trust Series 10 [File No. 811-1328]

Summary: Each applicant, a unit investment trust, seeks an order declaring that it has ceased to be an

investment company. On February 15, 1992, and September 15, 1992, respectively, each applicant made a liquidating distribution to its shareholders based on net asset value. Applicants incurred no expenses in connection with the liquidations.

Filing Date: The applications were filed on April 18, 2001.

Applicants' Address: 333 West Wacker Drive, Chicago, IL 60606.

Nuveen Tax Exempt Unit Trust Series 31 National Trust 31 [File No. 811-2102]; Nuveen Tax Exempt Unit Trust Series 29 National Trust 29 [File No. 811-2088]

Summary: Each applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On September 15, 1995, and September 15, 1997, respectively, each applicant made a liquidating distribution to its shareholders based on net asset value. Applicants incurred no expenses in connection with the liquidations.

Filing Date: The applications were filed on April 19, 2001.

Applicants' Address: 333 West Wacker Drive, Chicago, IL 60606.

Nuveen Tax Exempt Unit Trust Series 22 [File No. 811-1908]; Nuveen Tax Exempt Unit Trust Series 25 [File No. 811-2044]; Nuveen Tax Exempt Unit Trust Series 33 National Trust 33 [File No. 811-2141]

Summary: Each applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On March 15, 1993, September 15, 1993, and May 15, 1994, respectively, each applicant made a liquidating distribution to its shareholders based on net asset value. Applicants incurred no expenses in connection with the liquidations.

Filing Date: The applications were filed on April 19, 2001.

Applicants' Address: 333 West Wacker Drive, Chicago, IL 60606.

American General Series Portfolio Company 2 [File No. 811-8875]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On July 7, 2000, applicant transferred its assets to North American Funds, based on net asset value. Expenses of \$1,326,467 incurred in connection with the reorganization were paid by American General Corporation, the parent of applicant's investment adviser.

Filing Date: The application was filed on March 22, 2001.

Applicant's Address: 2929 Allen Parkway, Houston, TX 77019.

Pennsylvania Daily Municipal Income Fund [File No. 811-6681]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 14, 2001, applicant made a liquidating distribution to its sole shareholder based on net asset value. Expenses of \$3,000 incurred in connection with the liquidation were paid by Reich & Tang Asset Management LLC, applicant's investment adviser.

Filing Date: The application was filed on May 9, 2001.

Applicant's Address: 600 Fifth Avenue, New York, NY 10020.

Firststar Select Funds [File No. 811-8155]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 23, 2000, applicant transferred its assets to Firststar REIT Fund, based on net asset value. Expenses of \$130,820 incurred in connection with the reorganization were paid by Firststar Investment Research & Management Company, LLC.

Filing Date: The application was filed on April 2, 2001.

Applicant's Address: 431 North Pennsylvania Street, Indianapolis, IN 46204.

Cappiello-Rushmore Trust [File No. 811-6601]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 12, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$63,783 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on April 20, 2001.

Applicant's Address: 4922 Fairmont Avenue, Bethesda, MD 20814.

The Buttonwood Funds, Inc. [File No. 811-4702]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 2, 2001, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of \$10,760 incurred in connection with the liquidation were shared equally by Independence Capital Management, Inc., applicant's investment adviser and Janney Montgomery Scott LLC, applicant's distributor.

Filing Date: The application was filed on April 18, 2001.

Applicant's Address: Two Bala Cynwyd Plaza, Bala Cynwyd, PA 19004.

Gabelli Income Series Funds, Inc. [File No. 811-8866]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on March 27, 2001, and amended on May 2, 2001.

Applicant's Address: One Corporate Center, Rye, NY 10580-1434.

Tristar Large Cap Stock Fund [File No. 811-9723]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 15, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of approximately \$238 incurred in connection with the liquidation were paid by Tristar Capital Management, Corp., applicant's investment adviser.

Filing Dates: The application was filed on April 3, 2001, and amended on May 11, 2001.

Applicant's Address: 13605 Crestway Dr., Brook Park, OH 44142.

SM&R Growth Fund, Inc. [File No. 811-623] SM&R Equity Income Fund, Inc. [File No. 811-1916] SM&R Balanced Fund, Inc. [File No. 811-2818]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On December 31, 2000, each applicant transferred its assets to a corresponding series of SM&R Investments, Inc., based on net asset value. Expenses of \$65,888, \$42,323 and \$29,355, respectively, were incurred in connection with the reorganizations and were paid by Securities Management and Research, Inc., each applicant's investment adviser.

Filing Dates: The applications were filed on February 28, 2001, and amended on April 20, 2001 and April 27, 2001.

Applicant's Address: Securities Management and Research, Inc., 2450 South Shore Boulevard, Suite 400, League City, Texas 77573.

StockJungle.com Trust [File No. 811-9403]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 7, 2000, applicant transferred its assets to three series of the Trust for Investment Management based on net asset value. Expenses of \$38,000 incurred in connection with the reorganization were

paid by StockJungle.com Advisors, Inc., applicant's investment adviser.

Filing Dates: The application was filed on March 15, 2001, and amended on May 1, 2001.

Applicant's Address: 5750 Wilshire Boulevard, Suite 560, Los Angeles, CA 90036.

Allied Owners Action Fund Inc. [File No. 811-9551]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 26, 2001, applicant made a liquidating distributing to its shareholders based on net asset value. Applicant incurred no expenses in connection with the liquidation.

Filing Dates: The application was filed on April 20, 2001, and amended on May 17, 2001.

Applicant's Address: 215 W 91st #112, New York, NY 10024.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01-13632 Filed 5-30-01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44348; File No. S7-24-89]

Joint Industry Plan; Solicitation of Comments and Order Approving Request to Extend Exchange on an Unlisted or Listed Basis, Submitted by the National Association of Securities Dealers, Inc., the Pacific Exchange, Inc. and the Boston, Chicago, Philadelphia, and Cincinnati Stock Exchanges

May 24, 2001.

I. Introduction

On May 23, 2001, the Cincinnati Stock Exchange, Inc. ("CSE") on behalf of itself and the National Association of Securities Dealers, Inc. ("NASD"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Stock Exchange, Inc. ("CHX"), Pacific Exchange, Inc. ("PCX"), and the Philadelphia Stock Exchange, Inc. ("Phlx") (hereinafter referred to as the "Participants")¹

¹ The CSE was elected as chair of the Operating Committee for the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Exchange-Listed Nasdaq/National Market System Securities and for Nasdaq/National Market System Securities Traded on Exchange on an Unlisted Trading Privileges Basis ("Plan") by the Participants.

submitted to the Securities and Exchange Commission ("Commission" or "SEC") a proposal to extend the operation of the Plan² for Nasdaq/National Market ("Nasdaq/NM") securities traded on an exchange on an unlisted basis.³ The May 2001 Extension Request would extend the effectiveness of the Plan through July 19, 2001 and also would extend certain exemptive relief as described below. The May 2001 Extension Request does not seek permanent approval of the Plan because the Participants currently are negotiating certain amendments to the Plan for which they will seek approval in the future.⁴

II. Background

The Plan governs the collection, consolidation, and dissemination of quotation and transaction information for Nasdaq/NM securities listed on an exchange or traded on an exchange pursuant to a grant of UTP.⁵ The Commission originally approved the Plan on a pilot basis on June 26, 1990.⁶ The parties did not begin trading until July 12, 1993, accordingly, the pilot period commenced on July 12, 1993. The Plan as since been in operation on an extended pilot basis.⁷

² See Letter from Jeffrey T. Brown, Vice President Regulation and General Counsel, CSE, to Jonathan G. Katz, Secretary, Commission, dated May 21, 2001 ("May 2001 Extension Request"). The signatories to the Plan are the Participants for purposes of this release; however, the BSE joined the Plan as a "limited participant" and reports quotation information and transaction reports only in Nasdaq/National Market securities listed on the BSE. Originally, the American Stock Exchange Inc. ("Amex") was a Participant but withdrew its participation from the Plan in August 1994.

³ Section 12 of the Securities Exchange Act of 1934 ("Act") generally requires an exchange to trade only those securities that the exchange lists, except that section 12(f) of the Act permits unlisted traded privileges ("UTP") under certain circumstances. For example, section 12(f), among other things, permits exchanges to trade certain securities that are traded over-the-counter ("OTC/UTP"), but only pursuant to a Commission order or rule. The present order fulfills this section 12(f) requirement. For a more complete discussion of the section 12(f) requirement, see November 1995 Extension Order, *infra* note 7.

⁴ In accordance with the Commission's statements in its order approving the establishment of the Nasdaq Order Display Facility and Order Collector Facility ("SuperMontage"), the Participants represent that they are revising the Plan. See Securities Exchange Act Release No. 43863 (January 19, 2001) 66 FR 8020 (January 26, 2001).

⁵ See Section 12(f)(2) of the Act, 15 U.S.C. 7811(f)(2).

⁶ See Securities Exchange Act Release No. 28146, 55 FR 27917 (July 6, 1990) ("1990 Plan Approval Order").

⁷ See Securities Exchange Act Release Nos. 34371 (July 13, 1994), 59 FR 37103 (July 20, 1994); 35221 (January 11, 1995), 60 FR 3886 (January 19, 1995); 36102 (August 14, 1995), 60 FR 43626 (August 22, 1995); 36226 (September 13, 1995), 60 FR 49029 (September 21, 1995); 36368 (October 13, 1995), 60 FR 54091 (October 19, 1995); 36481 (November 13,

III. Description of the Plan

The Plan provides for the collection from Plan Participants, and the consolidation and dissemination to vendors, subscribers and others, of quotation and transaction information in "eligible securities."⁸ The Plan contains various provisions concerning its operation, including: Implementation of the Plan; Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information; Report Requirements (including hours of operation); Standards and Methods of Ensuring Promptness, Accuracy and Completeness of Transaction Reports; Terms and Conditions of Access; Description of Operation of Facility Contemplated by the Plan; Method and Frequency of Processor Evaluation; Written Understanding of Agreements Relating to Interpretation of, or Participation in, the Plan; Calculation of the Best Bid and Offer ("BBO"); dispute Resolution; and Method of Determination and Imposition, and Amount of Fees and Charges.⁹

IV. Exemptive Relief

In conjunction with the Plan, on a temporary basis, the Commission granted an exemption to vendors from Rule 11 Ac1-2¹⁰ under the Act

1995), 60 FR 58119 (November 24, 1995) ("November 1995 Extension Order"); 36589 (December 13, 1995), 60 FR 65696 (December 20, 1995); 36650 (December 28, 1995), 61 FR 358 (January 4, 1996); 36934 (March 6, 1996), 61 FR 10408 (March 13, 1996); 36985 (March 18, 1996), 61 FR 12122 (March 25, 1996); 37689 (September 16, 1996), 61 FR 50058 (September 24, 1996); 37772 (October 1, 1996), 61 FR 52980 (October 9, 1996); 38457 (March 31, 1997), 62 FR 16880 (April 8, 1997); 38794 (June 30, 1997) 62 FR 365486 (July 8, 1997); 39505 (December 31, 1997) 63 FR 1515 (January 9, 1998); 40151 (July 1, 1998) 63 FR 36979 (July 8, 1998); 40896 (December 31, 1998), 64 FR 1834 (January 12, 1999); 41392 (May 12, 1999), 64 FR 27839 (May 21, 1999) ("May 1999 Approval Order"); 42268 (December 23, 1999), 65 FR 1202 (January 6, 2000); 43005 (June 30, 2000), 65 FR 42411 (July 10, 2000); and 44099 (March 23, 2001), 66 FR 17457 (March 30, 2001).

⁸ The Plan defines "eligible security" as any Nasdaq/NM security as to which unlisted trading privileges have been granted to a national securities exchange pursuant to Section 12(f) of the Act or that is listed on a national securities exchange. On May 12, 1999, in response to a request from the CHX, the Commission expanded the number of eligible Nasdaq/NM securities that may be traded by the CHX pursuant to the Plan from 500 to 1000. See May 1999 Approval Order, *supra* note 7. On November 9, 2000, the Commission notices and requested comment on a proposal by the PCX to expand the maximum number of securities eligible to trade all Nasdaq/NM securities. See Securities Exchange Act Release No. 43545, 65 FR 69581 (November 17, 2000).

⁹ The full text of the Plan, as well as a "Concept Paper" describing the requirements of the Plan, are contained in the original filing, which is available for inspection and copying in the Commission's public reference room.

¹⁰ 17 CFR 240.11 Ac1-2.