

refer to an employee benefit plan described in ERISA section 3(3) and/or a plan described in section 4975(e)(1) of the Code.

7. PTE 83-1 is amended by adding the following paragraph I. to Section III. Definitions to read as follows: I. For purposes of this exemption, the terms "employee benefit plan" and "plan" refer to an employee benefit plan described in ERISA section 3(3) and/or a plan described in section 4975(e)(1) of the Code.

8. PTE 84-14 is amended by adding the following paragraph (n) to Part V—Definitions and General Rules to read as follows: (n) The terms "employee benefit plan" and "plan" refer to an employee benefit plan described in section 3(3) of ERISA and/or a plan described in section 4975(e)(1) of the Code.

9. PTE 88-59 is amended by adding the following paragraph (F) to Section III. Definitions to read as follows: (F) The terms "employee benefit plan" and "plan" refer to an employee benefit plan described in section 3(3) of ERISA and/or a plan described in section 4975(e)(1) of the Code.

10. PTE 91-38 is amended by adding the following paragraph (k) to Section IV—Definitions and General Rules to read as follows: The terms "employee benefit plan" and "plan" refer to an employee benefit plan described in section 3(3) of ERISA and/or a plan described in section 4975(e)(1) of the Code.

11. PTE 95-60 is amended by adding the following paragraph (j) to Section V—Definitions to read as follows: (j) The terms "employee benefit plan" and "plan" refer to an employee benefit plan described in section 3(3) of ERISA and/or a plan described in section 4975(e)(1) of the Code.

12. PTE 96-62 is amended by adding paragraph (g) to Section IV: Definitions to read as follows: (g) For purposes of this exemption, the terms "employee benefit plan" and "plan" refer to an employee benefit plan described in section 3(3) of ERISA and/or a plan described in section 4975(e)(1) of the Code.

Signed at Washington, DC, this 23rd day of October 2001.

**Ivan L. Strasfeld,**

*Director, Office of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.*

[FR Doc. 01-27062 Filed 10-26-01; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 50-285]

### Omaha Public Power District; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Omaha Public Power District (OPPD/the licensee) to withdraw its October 27, 2000, application for proposed amendment to Facility Operating License No. DPR-40 for the Fort Calhoun Station, Unit 1, located in Washington County, Nebraska.

The proposed amendment would have eliminated the refueling requirement for the 13.8 kV transmission line surveillance test. Fort Calhoun receives 161 kV and 345 kV off-site power from the switchyard at the plant site. Power from a 13.8 kV supply is also available in the switchgear room. The ability to use the 13.8 kV power supply, originally a construction power supply, was added to the technical specifications (TSs) during the licensing of the Fort Calhoun Station because in the NRC's review of the Fort Calhoun Final Safety Analysis Report, it was noted that the 345 kV lines passed over the 161 kV lines, and should a 345 kV line fall for any reason, the 161 kV line might also be lost. OPPD maintained that this line is not capable of supplying post-design basis accident loads and it is not credited in the licensing basis for mitigation of design basis accidents. In addition, OPPD stated the surveillance test places a significant burden upon the operating crew and involves the switching of many components. After several discussions with the staff, OPPD has decided to withdraw this request to re-evaluate the basis for this TS change.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 27, 2000 (65 FR 81927). However, by letter dated October 5, 2001, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated October 27, 2000, and the licensee's letter dated October 5, 2001, which withdrew the application for the license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically

from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index/html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room (PDR) Reference staff by telephone at 1-800-397-4209, 301-415-4737 or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 23rd day of October 2001.

For the Nuclear Regulatory Commission.

**Alan B. Wang,**

*Project Manager, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 01-27158 Filed 10-26-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Revised

The agenda for the 487th ACRS meeting scheduled to be held on November 8-10, 2001, has been revised to reflect the changes noted below. Notice of this meeting was previously published in the **Federal Register** on Tuesday, October 23, 2001 (66 FR 53645).

FRIDAY, NOVEMBER 9, 2001

- The Committee will meet with NRC Commissioner McGaffigan between 1:30 and 2:30 p.m. to discuss items of mutual interest.

- Discussion of other items (Future ACRS Activities/Report of the Planning and Procedures Subcommittee, Reconciliation of ACRS Comments and Recommendations, Topics for Meeting the NRC Commissioners, and Proposed ACRS Reports) will be held about an hour later than previously announced in the **Federal Register** on October 23, 2001.

The agenda for Thursday, November 8 and Saturday, November 10, 2001 remains the same as previously announced in the **Federal Register** on October 23, 2001.

For further information contact: Dr. Sher Bahadur (telephone 301-415-0138) between 7:30 a.m. and 4:15 p.m., EDT.

Dated: October 23, 2001.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 01-27156 Filed 10-26-01; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

#### Extension:

Form 3, OMB Control No. 3235-0104, SEC File No. 270-125

Form 4, OMB Control No. 3235-0287, SEC File No. 270-126

Form 5, OMB Control No. 3235-0362, SEC File No. 270-323

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") has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Forms 3, 4, and 5 are filed by insiders of public companies that have a class of securities registered under section 12 of the Securities Exchange Act of 1934 ("Exchange Act"). Form 3 is an initial statement of beneficial ownership of securities, Form 4 is a statement of changes in beneficial ownership of securities and Form 5 is an annual statement of beneficial ownership of securities. Approximately 29,000 issuers file form 3 for a total of 14,500 annual burden hours. Approximately 70,204 issuers file Form 4 annually for a total of 34,102 annual burden hours. Approximately 43,500 issuers file Form 5 annually for a total of 43,500 annual burden hours.

Form 3, Form 4, and Form 5 information collections are mandatory and available to the public upon request. Finally, persons who respond to these collections are not required to respond unless the collections of information display a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) Michael

E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: October 19, 2001.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-27126 Filed 10-26-01; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-14609]

### Issuer Delisting; Notice of Application To Withdraw From Listing and Registration on the American Stock Exchange LLC (Excel Legacy Corporation, 9.0% Convertible Redeemable Subordinated Debentures (due 2004) and 10.0% Senior Redeemable Notes (due 2004))

October 24, 2001.

Excel Legacy corporation, a Delaware Corporation ("Issuer"), has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its 9.0% Convertible Redeemable Subordinated Debentures (due 2004) and 10.0% Senior Redeemable Notes (due 2004) ("Securities"), from listing and registration on the American Stock Exchange LLC ("Amex").

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the State of Delaware, in which it is incorporated and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration. The issuer's application relates solely to the Securities' withdrawal from listing and registration under section 12(b) of the Act<sup>3</sup> and shall not affect its obligation to be registered under section 12(g) of the Act.<sup>4</sup>

On September 28, 2001, the Issuer merged with Price Legacy Corporation, formerly known as Price Enterprises, Inc. On October 9, 2001, the Board of Directors of the Issuer approved resolutions to withdraw the Issuer's Securities from listing on the Amex. In making the decision to withdraw the

<sup>1</sup> 15 U.S.C. 78l(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).

<sup>3</sup> 15 U.S.C. 78l(b).

<sup>4</sup> 15 U.S.C. 78l(g).

Securities from listing on the Exchange, the Issuer considered the limited principal amount of Securities outstanding, the limited number of shareholders, and the additional expense of listing on the Amex.

Any interested person may, on or before November 13, 2001, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-27192 Filed 10-24-01; 4:39 pm]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-25220; 812-11632]

### PIMCO Funds, et al.; Notice of Application

October 22, 2001.

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

**ACTION:** Notice of application for an order under section 12(d)(1)(f) of the Investment Company Act of 1940 ("Act") for an exemption from section 12(d)(1) of the Act, under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act, under section 6(c) of the Act for an exemption from sections 18(f) and 21(b) of the Act, and under section 17(d) of the Act and rule 17d-1 under the Act to permit certain joint arrangements.

**SUMMARY OF APPLICATION:** Applicants request an order that would permit certain registered management investment companies to invest uninvested cash in affiliated money market funds and to participate in a joint lending and borrowing facility. The order would supersede a prior order ("Prior Order").<sup>1</sup>

<sup>5</sup> 17 CFR 200.30-3(a)(1).

<sup>1</sup> Cash Accumulation Trust, Investment Company Act Release Nos. 22894 (Nov. 18, 1997) (notice) and 22842 (Dec. 16, 1997) (order).