

items, 9 temporary items). Records of the Office of Response and Restoration, including such files as incident response and waste site financial records, data, documentation, inputs, and outputs for an electronic system used to coordinate watershed information, coastal resource coordinator records, and hazardous materials response records relating to medium and minor spills. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of hazardous materials response records that document major spills, including related finding aids. Files relating to medium and minor spills that significantly document agency policies or spills in ecologically sensitive areas will be brought to NARA's attention for appraisal on a case-by-case basis.

2. Department of Defense, Defense Intelligence Agency (N1-373-03-1, 1 item, 1 temporary item). Backup tapes containing information used for accountability and control of access regarding agency information systems.

3. Department of Defense, Defense Commissary Agency (N1-506-02-6), 53 items, 53 temporary items). Records relating to inspections and investigations conducted by the Office of the Inspector General. Included are such records as congressional correspondence, process reviews, referrals, complaints, hotline case files, trends and analysis files, and staff assistance reports. Also included are electronic copies of documents created using electronic mail and word processing. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

4. Department of Health and Human Services, Centers for Medicare and Medicaid Services (N1-440-02-1, 7 items, 5 temporary items). Media relations files relating to the clearance and dissemination of press materials as well as articles appearing in the press concerning health care issues. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of news releases, press conference transcripts, and related background materials.

5. Department of Justice, Civil Division (N1-60-02-7, 6 items, 1 temporary item). Electronic versions of comments relating to the "September 11th Victim Compensation Fund of 2001" received by the agency or created for posting on the agency Web site. Proposed for permanent retention are

recordkeeping copies of comments as well as an electronic database used for tracking the comments.

6. Department of State, Bureau of Public Affairs (N1-59-03-2, 4 items, 3 temporary items). Bibliographic and biographic card files and source documents for special historical projects carried out by the Office of the Historian. Proposed for permanent retention are general files relating to a project on U.S.-Russian relations in the period 1816 to 1865.

7. National Aeronautics and Space Administration, Agency-wide (N1-255-01-1, 7 items, 6 temporary items). Problem reporting and corrective action reports, quality assurance surveillance records, including audits, studies, and inspection stamp issuance documents, and electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of safety, reliability and quality assurance records that relate to flight hardware.

8. National Aeronautics and Space Administration, Agency-wide (N1-255-01-2, 3 items, 2 temporary items). Project-level records that support the certification of flight readiness and flight readiness reviews. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of programmatic records for the certification of flight readiness and flight readiness reviews for manned space flight programs and projects.

9. National Aeronautics and Space Administration, Agency-wide (N1-255-01-3, 5 items, 5 temporary items). Forms that document the shipment of equipment to and from agency installations by commercial shippers or contractors. Also included are electronic copies of records created using electronic mail and word processing.

10. National Aeronautics and Space Administration, Office of Public Affairs (N1-255-03-01, 1 item, 1 temporary item). Water-damaged materials from the agency's headquarters still photograph reference collection that could not be recovered, including captions, transparencies, negatives, and hardcopy prints and slides.

11. National Commission on Library and Information Science, Library Statistics Program (N1-220-02-29, 3 items, 2 temporary items). Electronic copies of records created using electronic mail and word processing that relate to forums sponsored by the agency and the National Center for Education Statistics. Recordkeeping copies of these files are proposed for permanent retention.

12. Office of Navajo and Hopi Indian Relocation, Relocation Operations Division (N1-220-02-20, 1 item, 1 temporary item). A slide presentation stored in two projector cartridges for which there is no accompanying script nor are the slides annotated.

13. Office of Navajo and Hopi Indian Relocation, Executive Direction Division (N1-220-02-21, 2 items, 1 temporary item). Sound recordings of public hearings and meetings conducted by the agency during calendar years 1979 to 1983 from which no information is retrievable. Proposed for permanent retention are sound recordings of public hearings and meetings conducted by the agency during these years from which information is retrievable.

14. Overseas Private Investment Corporation, Human Resources Department (N1-420-03-1, 3 items, 3 temporary items). Forms and other records completed by separating employees. Included are electronic copies of records created using electronic mail and word processing.

15. Peace Corps, Office of the Inspector General (N1-490-02-4, 11 items, 8 temporary items). Records relating to inspections and evaluations, investigations, and audits. Also included are electronic copies of records created using word processing and electronic mail. Proposed for permanent retention are recordkeeping copies of selected audit files, reports to Congress, and country evaluation reports.

16. Tennessee Valley Authority, Education, Training and Diversity (N1-142-02-1, 10 items, 9 temporary items). Correspondence files, training manuals, and course materials. Also included are electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are electronic versions of correspondence files created by the Senior Vice President for Education, Training, and Diversity.

Dated: November 29, 2002.

**Michael J. Kurtz,**

*Assistant Archivist for Record Services—  
Washington, DC.*

[FR Doc. 02-30880 Filed 12-5-02; 8:45 am]

BILLING CODE 7515-01-P

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

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

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 (17 CFR 270.34b-1) under the Investment Company Act of 1940, Sales Literature Deemed to be Misleading.*

Rule 34b-1 under the 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 (15 U.S.C. 80a-24(b)),<sup>1</sup> that includes performance data unless it also includes the appropriate uniformly computed data and the legend disclosure required in advertisements by rule 482 under the Securities Act of 1933 (17 CFR 230.482).

Requiring the inclusion of such standardized performance data in sales literature is designed to prevent misleading performance claims by funds and to enable investors to make meaningful comparisons among fund performance claims.

The Commission estimates that respondents file approximately 37,000 responses with the Commission, which include the information required by rule 34b-1. The burden from rule 34b-1 requires slightly more than 2.4 hours per response resulting from creating the information required under rule 34b-1.<sup>2</sup> The total burden hours for rule 34b-1 is 89,143 per year in the aggregate (37,000 responses x 2.4092702 hours per response). Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or

<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. See rule 24b-3 under the Investment Company Act (17 CFR 270.24b-3).

<sup>2</sup> The estimated burden per response is 2.9 hours for 686 responses and 2.4 hours for the remaining, giving a more exact weighted average burden per response of approximately 2.4092702.

even a representative survey or study of the costs of Commission rules and forms.

The collection of information under rule 34b-1 is mandatory. The information provided under rule 34b-1 is not kept confidential. The Commission may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proposed performance of the functions of the agency, including whether 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 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.

Direct your written comments to Kenneth A. Fogash, Acting Associate Executive Director/CIO, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Dated: November 22, 2002.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 02-30885 Filed 12-5-02; 8:45 am]

**BILLING CODE 8010-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

**[Investment Company Act Release No. 25840; 812-12524]**

### **Maxim Series Fund, Inc., et al.; Notice of Application**

December 2, 2002.

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

**ACTION:** Notice of application 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 seek an order to permit certain

registered investment companies to (a) pay an affiliated lending agent, and the lending agent to accept, fees based on a share of the revenues generated from securities lending transactions, and (b) lend portfolio securities to affiliated broker-dealers.

*Applicants:* Maxim Series Fund, Inc. ("Maxim"), Orchard Series Fund ("Orchard"), Barclays Global Investors Funds ("BGIF"), Master Investment Portfolio ("MIP"), iShares, Inc., and iShares Trust (collectively, the "Trusts"), Barclays Global Fund Advisors ("BGFA"), and Barclays Global Investors, N.A. ("BGI").

*Filing Dates:* The application was filed on May 23, 2001, and amended on August 12, 2002, and November 27, 2002.

*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 December 26, 2002, and should be accompanied by proof of service on the 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, NW., Washington, DC 20549-0609. Applicants, Barclays Global Investors, N.A., 45 Fremont Street, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Bruce R. MacNeil, Senior Counsel, at (202) 942-0634, or Mary Kay Frech, Branch Chief, 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 is available for a fee at the SEC's Public Reference Branch, 450 5th Street, NW., Washington, DC 20549 (telephone (202) 942-8090).

### **Applicants' Representations**

1. The Trusts are registered under the Act as open-end management investment companies and are either a Maryland corporation or a Delaware statutory trust. Each Trust consists of multiple series (the Trusts and their series, the "Funds"). BGFA, an investment adviser registered under the