

prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S.

Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Anne W. Cottingham, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20005, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 27, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 2nd day of February, 2000.

For the Nuclear Regulatory Commission.

**David E. LaBarge,**

*Senior Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 00-2834 Filed 2-7-00; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 55-32443-SP]**

### **In the Matter of Michel A. Philippon (Denial of Senior Reactor Operator) License Application; Notice of Appointment of Adjudicatory Employee**

Commissioners: Richard A. Meserve, Chairman, Greta J. Dicus, Nils J. Diaz, Edward McGaffigan, Jr., Jeffrey S. Merrifield.

Pursuant to 10 CFR 2.4, notice is hereby given that Mr. Richard Baldwin, a Commission employee in Region II, Division of Reactor Safety, Operator Licensing and Human Performance Branch, has been appointed as a

Commission adjudicatory employee within the meaning of section 2.4, to advise the Commission regarding issues relating to the pending petition for review of the Presiding Officer's Initial Decision, LBP-99-44. Mr. Baldwin has not previously performed any investigative or litigating function in connection with this or any related proceeding. Until such time as a final decision is issued in this matter, interested persons outside the agency and agency employees performing investigative or litigating functions in this proceeding are required to observe the restrictions of 10 CFR 2.780 and 2.781 in their communications with Mr. Baldwin.

It is so ordered.

For the Commission.

Dated at Rockville, Maryland, this 2nd day of February, 2000.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 00-2832 Filed 2-7-00; 8:45 am]

**BILLING CODE 7590-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

**[Investment Company Act Release No. 24274; 812-11898]**

### **The Victory Portfolios, et al.; Notice of Application**

February 1, 2000.

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

**ACTION:** Notice of an application under sections 6(c) and 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 12(d)(1)(A) and 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:** Applicants seek to amend a prior order that permits non-money market series of a registered open-end management investment company to purchase shares of one or more of the money market series of such registered investment company by adding one registered open-end management investment company and one investment adviser as applicants.

*Applicants:* The Victory Portfolios (formerly known as The Society Funds), The Highmark Group, The Parkstone Group of Funds, The Conestoga Family of Funds, The AmSouth Funds (formerly known as The ASO Outlook Group), The Sessions Group, American Performance Funds, The Coventry Group, BB&T Mutual Funds Group (collectively, the "Original Funds"); Society Asset Management, Inc., Union

Bank of California, N.A. (formerly known as The Bank of California), First of America Investment Corporation, Meridian Investment Company, AmSouth Bank (formerly known as AmSouth Bank, N.A.), National Bank of Commerce, BancOklahoma Trust Company, AMR Investment Services, Inc., Boatmen's Trust Company, AMCORE Capital Management, Inc., and Branch Banking and Trust Company (collectively, the "Original Advisers"); BISYS Fund Services Limited Partnership (formerly known as The Winsbury Company) ("BISYS"), BISYS Fund Services Ohio, Inc. (formerly known as The Winsbury Service Corporation) (all of the above entities collectively, the "Original Applicants"); BISYS Fund Services, Inc. ("BISYS Services"); Martindale Andres & Company, Inc. and 1st Source Bank (collectively, the "First Additional Advisers"); Eureka Funds, Performance Funds Trust, and Centura Funds, Inc. (collectively, the "First Additional Funds"); Sanwa Bank California, Trustmark National Bank and Centura Bank (collectively, the "Second Additional Advisers"); The Infinity Mutual Funds, Inc. (the "Second Additional Fund"); First American National Bank (the "Third Additional Adviser"); Magna Funds (the "New Fund") and Union Planters Bank, National Association (the "New Adviser").

The Sessions Group, BISYS, BISYS Fund Services Ohio, Inc. and the First Additional Advisers are also referred to as the "First Subsequent Applicants." BISYS, BISYS Services, the First Additional Funds, and the Second Additional Advisers are also referred to as the "Second Subsequent Applicants." BISYS, BISYS Fund Services Ohio, Inc., the Second Additional Fund and the Third Additional Adviser are referred to collectively as the "Third Subsequent Applicants." The Original Applicants, the First Subsequent Applicants, the Second Subsequent Applicants and the Third Subsequent Applicants are also referred to collectively as the "Prior Applicants." BISYS, BISYS Services, the New Fund, and the New Adviser are referred to collectively as the "New Applicants."

**FILING DATE:** The application was filed on December 22, 1999.

**Hearing or Notification of Hearing:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests

should be received by the Commission by 5:30 p.m. on February 28, 2000, 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 who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549-0609. Applicants, c/o Charles H. Hire, Esq., Baker & Hostetler LLP, 65 East State Street—Suite 2100, Columbus, Ohio 43215.

**FOR FURTHER INFORMATION CONTACT:** Lawrence W. Pisto, Senior Counsel, at (202) 942-0527, or Mary Kay Frech, Branch Chief, at (202) 942-0564, Office of Investment Company Regulation, Division of Investment Management.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, DC 20549-0102 (tel. (202) 942-8090).

### Applicants' Representations

1. On October 5, 1993, the Commission issued an order (the "Original Order") under sections 6(c) and 17(b) of the Act that exempted the Original Applicants from the provisions of sections 12(d)(1)(A) and 17(a) of the Act and that permitted, pursuant to rule 17d-1, certain joint transactions in accordance with section 17(d) and rule 17d-1.1 The Original Order permitted: (i) the non-money market series of an Original Fund to utilize cash reserves that have not been invested in portfolio securities ("Uninvested Cash") to purchase shares of one or more of the money market series of such Original Fund; and (ii) the sale of shares by the money market series of an Original Fund to the non-money market series of such Original Fund, and the purchase (or redemption) of their shares by the money market series of the Original Fund from the non-money market series of such Original Fund.

2. On May 20, 1997, the Commission issued an order that amended the Original Order (together with the Original Order, the "First Amended Order"), by extending the relief granted

in the Original Order to the First Subsequent Applicants.<sup>2</sup>

3. On September 15, 1998, the Commission issued an order that amended the Original Order for the second time (together with the First Amended Order, the "Second Amended Order"), by extending the relief granted in the Original Order to the Second Subsequent Applicants.<sup>3</sup>

4. On September 21, 1999, the Commission issued an order that amended the Original Order for the third time (together with the Second Amended Order, the "Third Amended Order"), by extending the relief granted in the Original Order to the Third Subsequent Applicants.<sup>4</sup> The Original Order, the First Amended Order, the Second Amended Order and the Third Amended Order are referred to herein collectively as the "Amended Order."

5. The New Fund is an open-end management investment company registered under the Act and organized as a Massachusetts business trust. The New Fund currently offers three series, one of which is a money market fund, and is advised by the New Adviser. The New Adviser is not registered under the Investment Advisers Act of 1940 (the "Advisers Act") in reliance upon the exclusion from the definition of investment adviser set forth in section 202(a)(11)(A) of the Advisers Act. BISYS, one of the Prior Applicants, is the principal underwriter and administrator for each series of the New Fund. BISYS Services, also one of the Prior Applicants, is the transfer agent and fund account for each series of the New Fund.

6. The New Applicants seek to have the exemptive relief granted under the Amended Order extended to include them so as to permit the non-money market series of the New Fund which are advised by the New Adviser to utilize Uninvested Cash to purchase shares of one or more of the money market series of the New Fund which are advised by the New Adviser.<sup>5</sup> The New Applicants consent to the

<sup>2</sup> Investment Company Act Release Nos. 22636 (April 24, 1997) (notice) and 22677 (May 20, 1997) (order).

<sup>3</sup> Investment Company Act Release Nos. 23393 (Aug. 18, 1998) (notice) and 23436 (Sept. 15, 1998) (order).

<sup>4</sup> Investment Company Act Release Nos. 23962 (Aug. 23, 1999) (notice) and 24021 (Sept. 21, 1999) (order).

<sup>5</sup> The requested relief also would extend to any other registered open-end management investment companies advised by the New Adviser or any person directly or indirectly controlling, controlled by, or under common control with the New Adviser, and for which BISYS or any person directly or indirectly controlling, controlled by, or under common control with BISYS, now or in the future serves as principal underwriter.

<sup>1</sup> Investment Company Act Release Nos. 19695 (Sept. 9, 1993) (notice) and 19759 (Oct. 5, 1993) (order).

conditions set forth in the application for the Amended Order and agree to be bound by the terms and provisions of the Amended Order to the same extent as the Prior Applicants. The New Applicants believe that granting the requested order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

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

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 00-2746 Filed 2-7-00; 8:45 am]

BILLING CODE 8010-01-M

## SOCIAL SECURITY ADMINISTRATION

### Agency Information Collection

#### Activities: Emergency Consideration Request

In compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, the Social Security Administration (SSA) is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is requesting emergency consideration from OMB by 02/16/2000 of the information collections listed below.

1. Request to be Selected as Payee—0960-0014. The information collected on Form SSA-11-BK is used to determine the proper payee for a Social Security beneficiary, and it is designed to aid in the investigation of a payee applicant. The form will establish the applicant's relationship to the beneficiary, the justification, the concern for the beneficiary and the manner in which the benefits will be used. The respondents are applicants for selection as representative payee for Old Age, Survivors and Disability Insurance (OASDI), Supplemental Security Income (SSI), Black Lung benefits and title-VIII Special Veterans Benefits.

*Number of Respondents:* 2,121,686.

*Frequency of Response:* 1.

*Average Burden Per Response:* 10.5 minutes.

*Estimated Annual Burden:* 371,295 hours.

2. Application for Special Benefits for World War II Veterans—0960-NEW. The information collected on Form SSA-2000 will be used by the Social Security Administration to elicit the information necessary to determine entitlement of an individual to benefits under title VIII of the Social Security Act. Respondents are certain World War II Veterans as identified under title VIII.

*Number of Respondents:* 12,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 20 minutes.

*Estimated Annual Burden:* 4,000 hours.

### Background Information

In November 1999, Congress passed the Foster Care Independence Act, and on December 14, 1999, the President signed it into law (Pub. L. 106-169). An important part of this legislation, section 251, creates a new title VIII of the Social Security Act, which is a new program for SSA to administer. Title VIII provides for a program of special benefits for certain World War II veterans as defined below:

Veterans of the U.S. military and the organized military forces of the Philippines (while in the service of the U.S. Armed Forces) during World War II, who are age 65 or older on or before December 14, 1999 and who are eligible for SSI benefits in both the month of enactment and the month of application for the Special Veterans Benefit (SVB), and whose total benefit income is less than the title VIII benefit amount, are entitled to a title VIII benefit for each month the individual resides outside the United States.

The law provides that an individual who meets all statutory requirements will be entitled to title VIII benefits beginning with October 2000, or such earlier month that the Commissioner determines is administratively feasible.

In recognition of the stated desire of many foreign-born potential applicants for special benefits under SVB to return to their homelands, SSA is targeting its implementation efforts to begin payments as early as May 2000.

Accordingly SSA has revised the SSA-11-BK, Request to be Selected as Payee, to include payee applicants under title VIII, and has developed the new SSA-2000, Application for Special Benefits for World War II Veterans, in order to administer the title VIII program.

You can obtain a copy of the collection instruments and/or OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965-4145, or by writing to him at: Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1-A-21 Operations Bldg., Baltimore, MD 21235.

Dated: February 1, 2000.

**Frederick W. Brickenkamp,**

*Reports Clearance Officer.*

[FR Doc. 00-2727 Filed 2-7-00; 8:45 am]

BILLING CODE 4190-29-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed During the Week Ending January 28, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2000-6826.

*Dated Filed:* January 27, 2000.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC3 0408 dated 28 January 2000; Mail Vote 060—Resolution 043i; TC3 Intermediate Class Fares between Japan, Korea and South East Asia—Amend Fares from Singapore to Japan; Intended effective date: 1 April 2000.

*Docket Number:* OST-2000-6830.

*Dated Filed:* January 27, 2000.

*Parties:* Members of the International Air Transport Association.

*Subject:* CAC/27/Meet/008/Expedited/99; Cargo Agency Expedited Resolution 809; Intended effective date: January 1, 2000.

*Docket Number:* OST-2000-6837.

*Dated Filed:* January 28, 2000.

*Parties:* Members of the International Air Transport Association.

*Subject:* CTC Comp 0052 dated 12 August 1997—Mail Vote 875; Resolution 116ss; Airline Justifications; Intended effective date—Upon Government Approvals.

**Dorothy W. Walker,**

*Federal Register Liaison.*

[FR Doc. 00-2775 Filed 2-7-00; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending January 28, 2000

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures.