PENSION BENEFIT GUARANTY CORPORATION

Request for Comment on Proposed Collection of Information Under the Paperwork Reduction Act; Customer Satisfaction Surveys and Focus Groups

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation intends to request that the Office of Management and Budget approve a series of new collections of information under the Paperwork Reduction Act. The purpose of the information collections, which will be conducted through focus groups and surveys over a three-year period, is to help the PBGC assess the efficiency and effectiveness with which it serves its customers and to design actions to address identified problems. The effect of this notice is to advise the public of, and to solicit public comment on, these proposed collections of information.

ADDRESSES: All written comments should be addressed to: Office of General Counsel, Pension Benefit Guaranty Corporation, Suite 340, 1200 K St. NW., Washington, D. C. 20005. The comments will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Marc L. Jordan, Attorney, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005, 202–326–4026 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) establishes policies and procedures for controlling the paperwork burdens imposed by Federal agencies on the public. The Act vests the Office of Management and Budget (OMB) with regulatory responsibility over these burdens, and OMB has promulgated rules on the clearance of collections of information by Federal agencies.

Executive Order 12862, Setting Customer Service Standards, states that, in order to carry out the principles of the National Performance Review, the Federal Government must be customer-driven. It directs all executive departments and agencies that provide significant services directly to the public to provide those services in a manner that seeks to meet the customer service standards established in the Executive Order.

The PBGC proposes to establish a mechanism through which it will be able to explore issues of mutual concern (*e.g.*, kind and quality of desired services) with its major outside client groups, *i.e.*, participants and beneficiaries, plan sponsors and their affiliates, plan administrators, pension practitioners and others involved in the establishment, operation and termination of plans covered by the PBGC's insurance program.

The areas of concern to the PBGC and its client groups will change over time, and it is important that the PBGC have the ability to evaluate customer concerns quickly. Accordingly, the PBGC plans to request that OMB grant ''generic'' approval, for a three-year period, of focus groups and surveys of the PBGC's outside client groups. Participation in the focus groups and surveys will be voluntary. The PBGC will consult with OMB regarding each specific information collection during the approval period.

This voluntary collection of information will put a slight burden on a very small percentage of the public. The PBGC expects to conduct focus groups involving a total of approximately 225 persons each year, with a total annual burden of approximately 675 hours, including travel time. (Some portion of this time may be spent completing surveys at focus group meetings.) In addition, the PBGC expects to distribute written surveys to approximately 1,600 persons each year (in most cases as an adjunct to a focus group), with a total annual burden of approximately 200 hours.

The PBGC is specifically seeking public comments to:

(1) Evaluate 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;

(2) Evaluate the accuracy of the estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Issued at Washington, DC, this 26th day of December, 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95–31527 Filed 12–28–95; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–21619; 812–9870]

The Cardinal Group, et al.; Notice of Application

December 22, 1995.

AGENCY: Securities and Exchange Commission (the ''SEC.'').

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: The Cardinal Group (''Cardinal''), Cardinal Fund, Inc. (''Old-CFI''), Cardinal Government Obligations Fund (''Old-CGOF''), Cardinal Government Securities Trust (''Old-CGST''), Cardinal Tax Exempt Money market Trust (''Old-CTEMT'') (collectively, Old-CFI, Old-CGOF, Old-CGST, and Old-CTEMT are the ''Acquired Funds''), the Ohio Company (''TOC''), and Cardinal Management Corp. (''CMC'').

RELEVANT ACT SECTIONS: Order requested under section 17(b) of the Act to exempt applicants from the provisions of section 17(a).

SUMMARY OF APPLICATION: Applicants seek an order to permit applicants to effectuate a reorganization between the Acquired Funds and Cardinal.

FILING DATE: The application was filed on December 4, 1995.

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 January 17, 1996, 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 may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, 155 East Broad Street, Columbus, Ohio 43215.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, 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 may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Cardinal and the Acquired Funds are registered under the Act as open-end management investment companies. Cardinal currently offer two series. In connection with the reorganization described below, Cardinal has created and plans to offer shares of four additional series, the Cardinal Fund (''New-CFI''), Cardinal Government Obligations Fund, (''New-CGOF''), Cardinal Government Securities Trust, and Cardinal Tax Exempt Money Market Fund (collectively, the ''Acquiring Series''). TOC and its affiliates beneficially own, as of November 30, 1995, 6% of the outstanding common shares of Old-CFI, 9.1% of the outstanding shares of Old-CGST, and 7.5% of the outstanding shares of Old-CTEMT.

2. TOC serves as investment adviser for Old-CFI and as principal underwriter for Cardinal and the Acquired Funds. CMC serves as investment adviser for Cardinal, including each Acquiring Series, Old-CGOF, Old-CGST, and Old-CTEMT. CMC is a wholly-owned subsidiary of TOC.

3. Cardinal has adopted a distribution and shareholder service plan pursuant to rule 12b–1 under the Act. New-CFI and New-CGOF have elected to be covered by the distribution and shareholder service plan. Old-CFI and Old-CGOF have not adopted a distribution plan pursuant to rule 12b–1. Old-CFI and Old-CGOF also charge a contingent deferred sales load as will New-CFI and New-CGOF.

4. The board of trustees or directors of Cardinal and the Acquired Funds (the ''Boards'') have approved agreements and plans of reorganization and liquidation providing for the transfer of all of the assets of each of the Acquired Funds to the Acquiring Series in exchange for Acquiring Series shares. The reorganization is subject to the assumption by the Acquiring Series of all of the liabilities of each of the Acquired Funds.

5. As a result of the reorganization, shareholders of each Acquired Fund will receive, in exchange for his or her shares of an Acquired Fund, shares of the corresponding Acquiring Series with an aggregate value equal to the value of such shareholder's shares of the Acquired Fund, calculated as of the close of business on the business day immediately prior to the closing for each fund. Each Acquired Fund will liquidate and distribute shares of the Acquiring Series to their respective shareholders after the relevant closing.

6. The Boards, including the members who are not ''interested persons'' as such term is defined by the Act, have concluded that the reorganizations would be in the best interest of the Acquired Funds and Cardinal and of the shareholders, respectively, of the Acquiring Series and the Acquired Funds, and that the interests of the existing shareholders of the respective funds will not be diluted as a consequence thereof. In making this determination, the Boards considered a number of factors, including the business objectives and purposes of the reorganization; compatibility of the investment objectives, policies, and restrictions of the respective Acquiring Series and Acquired Fund; the expense ratios of the Acquiring Series and the Acquired Funds; and the anticipated benefits to shareholders of the Acquiring Series and to the Acquiring Series' service providers.

7. Each Acquired Fund's participation in the proposed reorganization is subject to approval by the holders of the outstanding shares of that Acquired Fund. Approval will be solicited pursuant to a prospectus/proxy statement, which will be mailed to shareholders of the Acquired Funds. None of the agreements conditions the completion of the reorganization on the favorable vote of the shareholders of the other Acquired Funds.

8. The expenses of each reorganization are to be paid by TOC, except that each of the Acquiring Series will be responsible for its own organization costs and each Acquired Fund will be responsible for the portion of the proxy solicitation and other costs associated with its annual or special meeting of shareholders.

9. The consummation of each reorganization is subject to certain conditions, including that the parties shall have received from the SEC the order requested herein, and the receipt of an opinion of tax counsel to the effect that upon consummation of each reorganization and the transfer of substantially all the assets of each Acquired Fund, no gain or loss will be recognized by the Acquired or Acquiring Series or their shareholders as a result of the reorganization. Applicants will not make any material changes adversely affecting the rights of shareholders that affect the application without the prior approval of the SEC staff.

Applicants' Legal Analysis

1. Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, acting as principal, knowingly to sell or purchase securities to or from such registered company.

2. Section 2(a)(3) of the Act defines the term ''affiliated person'' of another person to include, in pertinent part, (a) any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of such other person, (b) any person 5% or more of the outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person, (c) any person directly or indirectly controlling, controlled by, or under common control with such other person, and (d) if such other person is an investment company, any investment adviser thereof.

3. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied. TOC and its affiliates own more than 5% of the outstanding shares of each of Old-CFI, Old-CGST, and Old-CTEMT. Accordingly, these funds and Cardinal may be affiliated persons for reasons in addition to having common directors and officers and a common and/or affiliated investment adviser.

4. Section 17(b) of the Act provides that the SEC may exempt a transaction from the prohibitions of section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

5. Applicants believe that the reorganizations are consistent with the policies and purposes of the Act. In addition, applicants state that the exchange of assets will be based on each fund's relative net asset values and that no sales charge or contingent deferred

sales charge will be incurred by shareholders of the Acquired Funds in connection with their acquisition of Acquiring Series shares. Further, applicants state that the Boards, including the non-interested members, have concluded that the reorganization is in the best interest of the shareholders of the Acquired Fund. In addition, the investment objectives, policies, and restrictions of the Acquiring Series are substantially similar to those of the Acquired Funds and that the differences reflect either the desire for uniformity among the different series of Cardinal, to reflect more current regulations, and/or for easier operation.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–31512 Filed 12–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21620; 812–9798]

Voyageur Fund Managers, Inc., et al.; Notice of Application

December 22, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Voyageur fund Managers, Inc. (the ''Sponsor''), Voyageur Unit Investment Trust, Voyageur Equity Trust, Voyageur Tax-Exempt Trust, and any future unit investment trusts sponsored by the Sponsor (together with the three above-named unit investment trusts, the ''Trusts'') and their respective series (each, a ''Series'').

RELEVANT ACT SECTIONS: Order requested under section 6(c) granting an exemption from sections 2(a)(32), 2(a)(35), 14(a), 19(b), 22(d), and 26(a)(2) of the Act and rules 19b–1 and 22c–1 thereunder; under section 11(a) for an exemption from section 11(c); and under sections 6(c) and 17(b) for an exemption from section 17(a).

SUMMARY OF APPLICATION: Applicants request an order: (a) Permitting the Trusts to impose sales charges on a deferred basis and to waive the deferred sales charge in certain cases; (b) permitting certain offers of exchange involving the Trusts; (c) exempting the Sponsor from having to take for its own account or place with others $100,000 worth of units in certain Trusts; (d) permitting certain Trusts to distribute capital gains resulting from redemptions of portfolio securities within a reasonable time after receipt; and (e) permitting a terminating Series of the Voyageur Equity trust to sell portfolio securities to a new Series of that Trust under the circumstances described below.

FILING DATE: The application was filed on October 5, 1995.

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 January 16, 1996, 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 reasons for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, c/o Voyageur Fund Managers, Inc., 90 South Seventh Street, Suite 4400, Minneapolis, Minnesota 55402.

FOR FURTHER INFORMATION CONTACT: H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 or C. David Messman, 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 may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Each of the Trusts is or will be a unit investment trust registered under the Act and sponsored by the Sponsor. The investment objectives of the Trusts may differ. The principal underwriter for the Trusts is or will be Voyageur Fund Distributor, Inc. (the ''Distributor''). The Sponsor and Distributor are each indirect wholly-owned subsidiaries of Dougherty Financial Group, Inc.

2. Each of the Trusts consists or will consist of one or more separate Series. Each Series is created by a trust indenture among the Sponsor, a banking institution or trust company as trustee, and an evaluator. The Sponsor acquires a portfolio of securities which it deposits with the trustee in exchange for certificates representing units of fractional undivided interest in the deposited portfolio (''Units''). The Sponsor will deposit substantially more than $100,000 of debt or equity securities, depending on the objective of the particular Series, for each Series.

3. The Units are then offered to the public through the Distributor and dealers at a public offering price which, during the initial offering period, is based upon the aggregate offering side evaluation of the underlying securities plus a front-end sales charge. The sales charge is the maximum amount applicable to a Series and is currently approximately 4.9% of the public offering price. The Sponsor may reduce the sales charge under certain circumstances, which will be disclosed in the prospectus. Any such reduction will be made in accordance with rule 22d–1.

4. The Distributor maintains a secondary market for Units of outstanding Series and continually offers to purchase these Units at prices based upon the bid side evaluation of the underlying securities. If the Distributor discontinues maintaining such a market at any time for any Trust, holders of Units (''Unitholders'') of such Trust may redeem their Units through the trustee.

5. Distribution payments of tax-exempt or taxable income, depending on the investment objective of a particular Trust, will be made to Unitholders on an annual, semi-annual, quarterly or monthly basis. The Trusts generally are permitted to distribute to Unitholders any capital gains earned in connection with the sale of portfolio shares along with the Trust's regular distributions in reliance on paragraph (c) of rule 19b–1.

A. The Deferred Sales Charge

1. Applicants seek an order permitting them to impose a deferred sales charge (''DSC'') and to reduce or waive the DSC under certain circumstances. Under Applicants' proposal, the Sponsor will determine the maximum amount of the sales charge per Unit. The Sponsor and Distributor will have discretion to defer the collection of all or part of such sales charge over a period (the ''Collection Period'') subsequent to the settlement date for the purchase of Units. The Sponsor will in no event add to the deferred amount of the sales charge any additional amount for interest or any similar or related charge to reflect or adjust for such deferral.

2. The Distributor anticipates collecting a portion of the total sales charge immediately upon purchase of Trust Units. The balance of the sales charge will be collected in installments