# sec news digest

LIBRARY

Issue 94-5

JAN 1 1 1994

January 7, 1994

U.S. SECURITIES EXCHANGE COMMISSION

## INVESTMENT COMPANY ACT RELEASES

THE INTEGRITY PORTFOLIOS, INC.

An order has been issued under Section 8(f) of the Investment Company Act declaring that The Integrity Portfolios, Inc. has ceased to be an investment company. (Rel. IC-19998 - January 5)

THE RBB FUND, INC., ET AL.

A conditional order has been issued on an application filed by The RBB Fund, Inc., et al. under Sections 6(c) and 17(b) of the Investment Company Act. The order grants relief from Section 17(a) of the Act to permit in-kind redemptions of shares of certain open-end registered investment companies by shareholders who are "affiliated persons" of the investment companies solely by reason of owning, controlling or holding with power to vote, five percent or more of the investment companies' outstanding shares. (Rel. IC-19999- January 5)

EQUITY STRATEGIES FUND, INC. ET AL.

A notice has been issued giving interested persons until January 31 to request a hearing on an application filed by Equity Strategies Fund, Inc. (Fund), et al. for an order under Section 17(b) of the Investment Company Act exempting applicants from the provisions of Section 17(a), and under Rule 17d-1 permitting certain joint transactions. The order would permit Nabors Industries, Inc. (Nabors), an affiliated person of the Fund, to purchase substantially all of the assets of the Fund in exchange for Nabors common stock. The Fund would then liquidate and distribute the Nabors stock pro rata to its shareholders. (Rel. 34-20000 - January 5)

# STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA

An order has been issued under Section 6(c) of the Investment Company Act on an application filed by State Mutual Life Assurance Company of America, Allmerica Select Separate Account (Separate Account) and Allmerica Investments, Inc. that permits Applicants to deduct a mortality and expense risk charge from the assets of the Separate Account. (Rel. 34-20001 - January 5)

### STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA

An order has been issued under Section 6(c) of the Investment Company Act on an application filed by State Mutual Life Assurance Company of America, State Mutual Separate Account VA-K (Separate Account) and Allmerica Investments, Inc. that permits Applicants to deduct a mortality and expense risk charge from the assets of the Separate Account. (Rel. IC-20002 - January 5)

# VOYAGEUR TAX FREE FUNDS, INC., ET AL.

A conditional order has been issued on an application filed by Voyageur Tax Free Funds, Inc., et al. under Section 6(c) of the Investment Company Act exempting applicants from Sections 2(a)(32), 2(a)(35), 18(f)(1), 18(g), 18(i), 22(c), and 22(d) of the Act and Rule 22c-1 thereunder. The order permits the applicants to issue multiple classes of shares representing interests in the same portfolio of securities, assess a contingent deferred sales charge (CDSC) on certain redemptions of shares and waive the CDSC in certain instances. (Rel. IC-20003 - January 5)

### SELF-REGULATORY ORGANIZATIONS

ADDITIONAL INFORMATION RELATING TO ORDER DENYING APPLICATIONS FOR STAY OF EFFECTIVENESS OF RULE CHANGE AND GRANTING INTERIM STAY

By order dated December 23, 1993, the Commission approved a proposed rule change by the <u>National Association of Securities Dealers</u> relating to the NASD's Small Order Execution System (SOES) (File No. SR-NASD-93-16). On December 27, 1993, Petitioners filed applications requesting a stay of that order, pending review of the order in the U.S. Court of Appeals for the D.C. Circuit. On January 5, 1993, the Commission denied the stay applications, but granted a 20-day interim stay. (Rel. 34-33424)

# WITHDRAWALS GRANTED

An order has been issued granting the application of Triarc Companies, Inc. to withdraw from listing and registration its Class A Common Stock, \$.10 Par Value, on the <a href="Merican Stock Exchange">American Stock Exchange</a>. (Rel. 34-33416)

An order has been issued granting the application of Fruit of the Loom, Inc. to withdraw from listing and registration its Class A Common Stock, \$.01 Par Value, on the American Stock Exchange. (Rel. 34-33422)

# UNLISTED TRADING PRIVILEGES SOUGHT

Notices have been issued giving interested persons until January 26 to comment on the applications of five exchanges for unlisted trading privileges in issues which are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system. The exchanges and number of issues are: Chicago Stock Exchange - 17 issues (Rel. 34-33417); Pacific Stock Exchange - 16 issues (Rel. 34-33418); Boston Stock Exchange - 2 issues (Rel. 34-33419); Cincinnati Stock Exchange - 13 issues (Rel. 34-33420); and Philadelphia Stock Exchange - 20 issues (Rel. 34-33421).

# UNLISTED TRADING PRIVILEGES AND WITHDRAWALS GRANTED

Orders have been issued granting two applications of the <u>Chicago Stock Exchange</u>. Both applications are for unlisted trading privileges in one over-the-counter issue and to withdraw unlisted trading privileges in one over-the-counter issue. (Rels. 34-33434 and 34-33435)

### IMMEDIATE EFFECTIVENESS OF PROPOSED RULE CHANGE

A proposed rule change interpretation filed by the <u>Pacific Stock Exchange</u> (SR-PSE-93-34) relating to modifications of the stock price maintenance requirement for equity options has become effective upon filing with the Commission. Publication of the proposal is expected in the <u>Federal Register</u> during the week of January 10. (Rel. 34-33426)

### ACCELERATED APPROVAL OF PROPOSED RULE CHANGE

The Commission granted accelerated approval to a proposed rule change (SR-CBOE-93-53) filed by the <u>Chicago Board Options Exchange</u> relating to the designated reporting authority for interest rate options. Publication of the proposal is expected in the <u>Federal Register</u> during the week of January 10. (Rel. 34-33427)

## APPROVAL OF PROPOSED RULE CHANGES

The Commission approved a proposed rule change (SR-CBOE-93-42) filed by the Chicago Board Options Exchange relating to the listing and trading of options of the Nasdaq 100 Index. Publication of the proposal is expected in the Federal Register during the week of January 10. (Rel. 34-33428)

The <u>National Association of Securities Dealers</u> filed a proposed rule change (SR-NASD-93-52). The proposed rule change would amend Article III of the NASD Rules of Fair Practice. The proposed rule would require members holding open orders of securities quoted ex-dividend, ex-rights, ex-distribution or ex-interest to adjust the price and, if necessary, the size of the order by the amount of any dividend, payment or distribution on the day that the security is quoted ex-dividend, ex-rights, ex-distribution or ex-interest. Publication of the proposal is expected in the <u>Federal Register</u> during the week of January 10. (Rel. 34-33440)

# PROPOSED RULE CHANGE

The New York Stock Exchange filed a proposed rule change (SR-NYSE-93-37) to amend Rules 450 (Restrictions on Giving of Proxies), 451 (Transmission of Proxy Material), 452 (Giving of Proxies by Member Organizations) and 465 (Transmission of Interim Reports and Other Material). Publication of the proposal is expected in the Federal Register during the week of January 10. (Rel. 34-33437)

# ACQUISITIONS OF SECURITIES

Companies and individuals must report to the Commission within ten days on Schedule 1 if after the acquisition of equity securities of a public company their beneficinterest therein exceeds five percent. Persons eligible to use the short form (Schedulage) may in lieu of filing a Schedule 13D file a Schedule 13G within 45 days after the end of the calendar year in which the person became subject to Section 13(d)(1) Companies and individuals making a tender offer must have on file at the time the tender commences a Schedule 14D-1.

Below is a list of recent filings of Schedules 13D and 14D, which includes the followi information: Column 1 - the company purchased (top), and the name of the purchase Column 2 - the type of security purchased; Column - 3 - the type of form filed; Colu 4 - the date the transaction occurred; Column 5 - the current number of shares (000's) owned (top) and the current percent owned; Column 6 - the CUSIP number (top) a the percent owned; and Column 7 - the status of the filing, i.e., new, update revision.

NAME AND CLASS OF STOCK/OWNER		FORM	EVENT DATE	SHRS(000)/ XOUNED	CUSIP/ PRIOR%	
NVR INC EVEREST CAP LIMITED	COM	130	11/18/93	1,110 6.5	64399710 6.8	) RVSION
NOSTALGIA NETWORK INC INTL FAMILY ENTERTAINMENT	COM NE		12/23/93		66975230 69.0	) UPDATE
PACIFICARE HEALTH SYS INC UNIHEALTH AMERICA	CL A	13D	12/13/93	•	69511010 54.4	UPDATE
PARHOUNT COMMUNICATIONS INC QVC NETWORK	COM	14D-1	12/27/93	-	<i>69</i> 921610	UPDATE
PATTEN CORP GRACE BROS ET AL	COM	13D	12/14/93	1,729 10.1	70336510 11.0	UPDATE
PENGO INDS INC PIAC INC	COM NET	u 130	12/17/93	5,130 50.4	70705850 46.0	UPDATE
PERKIN ELMER CORP SOROS GEORGE ET AL	COM	130	12/ 3/93	3,804 8.7	71404110 6.9	UPDATE
PHOTRONICS INC REICH JOSEPH H ET AL	COM	130	12/17/93	284 5.3		UPDATE
PROVIDENCE HEALTH CARE INC CUMMINGS LAWRENCE B ET AL	COM	130	12/21/93	1,698 100.0	74375710 100.0	UPDATE
SBC TECHNOLOGIES INC SLK 1986	COM	130	3/ 3/92	0 0.0	78393910 0.0	NEW
SBC TECHNOLOGIES INC SLK REINSURANCE CO LTD	COM	130	3/ 3/92	678 18.0	78393910 0.0	NEV