

Dated in Rockville, Maryland, this 4th day of September 2003.

For the Nuclear Regulatory Commission.

**Thomas W. Alexion,**

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

[FR Doc. 03-23150 Filed 9-10-03; 8:45 am]

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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 11Ac1-5, SEC File No. 270-488,

OMB Control No. 3235-0542

Rule 11Ac1-6, SEC File No. 270-489,

OMB Control No. 3235-0541

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 collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Rule 11Ac1-5 requires market centers to make available to the public monthly order execution reports in electronic form. The Commission believes that many market centers retain most, if not all, the underlying raw data necessary to generate these reports in electronic format. Once the necessary data is collected, market centers could either program their systems to generate the statistics and reports, or transfer the data to a service provider (such as an independent company in the business of preparing such reports or a self-regulatory organization ("SRO") that would generate the statistics and reports.

The collection of information obligations of Rule 11Ac1-5 apply to all market centers that receive covered orders in national market system securities. The Commission estimates that approximately 367 market centers are subject to the collection of information obligations of Rule 11Ac1-5. Each of these respondents is required to respond to the collection of information on a monthly basis.

The Commission staff estimates that, on average, Rule 11Ac1-5 causes

respondents to spend 6 hours per month in additional time to collect the data necessary to generate the reports, or 72 hours per year. With an estimated 367 market centers subject to Rule 11Ac1-5, the total data collection cost to comply with the monthly reporting requirement is estimated to be 26,424 hours per year.

Rule 11Ac1-6 requires broker-dealers to prepare and disseminate quarterly order routing reports. Much of the information needed to generate these reports already should be collected by broker-dealers in connection with their periodic evaluations of their order routing practices. Broker-dealers must conduct such evaluations to fulfill the duty of best execution that they owe their customers.

The collection of information obligations of Rule 11Ac1-6 applies to broker-dealers that route non-directed customer orders in covered securities. The Commission estimates that out of the currently 2678 broker-dealers that are subject to the collection of information obligations of Rule 11Ac1-6, clearing brokers bear a substantial portion of the burden of complying with the reporting and recordkeeping requirements of Rule 11Ac1-6 on behalf of small to mid-sized introducing firms. There currently are approximately 330 clearing brokers. In addition, there are approximately 610 introducing brokers that receive funds or securities from their customers. Because at least some of these firms also may have greater involvement in determining where customer orders are routed for execution, they have been included, along with clearing brokers, in estimating the total burden of Rule 11Ac1-6.

The Commission staff estimates that each firm significantly involved in order routing practices incurs an average burden of 40 hours to prepare and disseminate a quarterly report required by Rule 11Ac1-6, or a burden of 160 hours per year. With an estimated 940 broker-dealers significantly involved in order routing practices, the total burden per year to comply with the quarterly reporting requirement in Rule 11Ac1-6 is estimated to be 150,400 hours.

Rule 11Ac1-6 requires broker-dealers to respond to individual customer requests for information on orders handled by the broker-dealer for that customer. Clearing brokers generally bear the burden of responding to these requests. The Commission staff estimates that an average clearing broker incurs an annual burden of 400 hours (2000 responses × 0.2 hours/response) to prepare, disseminate, and retain responses to customers required by Rule 11Ac1-6. With an estimated 330

clearing brokers subject to Rule 11Ac1-6, the total burden per year to comply with the customer response requirement in Rule 11Ac1-6 is estimated to be 132,000 hours.

Written comments are invited on: (a) 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; (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 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.

Please 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: September 3, 2003.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 03-23124 Filed 9-10-03; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act; Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 15, 2003:

An Open Meeting will be held on Wednesday, September 17, 2003 at 2 p.m. in Room 6600, and Closed Meetings will be held on Wednesday, September 17, 2003 at 4 p.m. and Thursday, September 18, 2003 at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), (9)(ii) and (10), permit consideration of the

scheduled matters at the Closed Meetings.

The subject matter of the Open Meeting scheduled for Wednesday, September 17, 2003 will be:

1. The Commission will consider whether to propose for public comment new rules 12d1-1, 12d1-2, and 12d1-3 under the Investment Company Act of 1940. The recommended rules would broaden the ability of an investment company ("fund") to acquire shares of another fund consistent with the protection of investors and the purposes of the Act. The Commission also will consider a recommendation to amend forms N-1A, N-2, N-3, N-4, and N-6, which are used by investment companies to register under the Investment Company Act and to offer their shares under the Securities Act of 1933. The recommended amendments would improve the transparency of the expenses of funds that invest in other funds by requiring that the expenses of the acquired funds be aggregated and shown as an additional expense in the fee table of the acquiring funds.

For further information, please contact Penelope Saltzman at (202) 942-0690.

2. The Commission will hear oral argument on an appeal of RichMark Capital Corporation, a registered broker-dealer, and Doyle Mark White, its 50% owner, from the decision of an administrative law judge.

The law judge found that respondents willfully violated the antifraud provisions of section 17(a) of the Securities Act of 1933, section 10(b) of the Securities Exchange Act of 1934, and Exchange Act Rule 10b-5. He suspended for 90 days RichMark's broker-dealer registration and White from association with any broker or dealer, assessed civil money penalties of \$275,000 against RichMark and \$55,000 against White, held RichMark and White jointly and severally liable for the disgorgement of \$25,617.86 plus prejudgment interest, and imposed a cease-and-desist order.

Among the issues likely to be argued are:

a. Whether respondents made adequate disclosure to customers to whom they recommended and sold stock of PCCG Group, Inc. (PCCG) that respondents were selling their own shares of PCCG at the same time;

b. Whether respondents made adequate disclosure to PCCG customers of respondents' financial incentive to sell PCCG stock arising from the compensation respondents received under an investment banking agreement between PCCG and RichMark; and

c. Whether sanctions should be imposed in the public interest.

For further information, contact the Office of the Secretary at (202) 942-7070.

3. The Commission will hear oral argument on an appeal by the Division of Enforcement from the decision of an administrative law judge dismissing proceedings against Robert J. Setteducati. The Division alleged that Setteducati, formerly executive vice president of H.J. Meyers & Co., Inc., a former registered broker-dealer, was part of an effort by the firm to manipulate the market for stock of Borealis Technology Corporation during 1996, in violation of antifraud provisions of the securities laws.

The law judge found that:

a. The market for Borealis had not been manipulated, and that

b. Even if the Borealis market had been manipulated, Setteducati's role in the Borealis offering and aftermarket trading was insufficient to hold him liable for any such misconduct.

Among the issues likely to be argued are:

a. Whether the evidence supports the Division's allegations; and

b. Whether and to what extent sanctions should be imposed in the public interest.

For further information, please contact the Office of the Secretary at (202) 942-7070.

The subject matter of the Closed Meeting scheduled for Wednesday, September 17, 2003 will be:

Post-argument discussion.

The subject matter of the Closed Meeting scheduled for Thursday, September 18, 2003 will be:

Institution and settlement of administrative proceedings of an enforcement nature;

Institution and settlement of injunctive actions; and

Formal orders of investigation.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact the Office of the Secretary at (202) 942-7070.

Dated: September 9, 2003.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 03-23346 Filed 9-9-03; 3:53 pm]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27720]

### Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

September 5, 2003.

Notice is hereby given that the following filing(s) has/have been made with the Commission under provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 29, 2003, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After September 29, 2003 the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

*Xcel Energy, Inc., et al. (70-9635)*

Xcel Energy Inc. ("Xcel"), 800 Nicollet Mall, Minneapolis, Minnesota 55402, a holding company registered under the Act, and certain subsidiaries,<sup>1</sup>

<sup>1</sup> Xcel directly owns six utility subsidiaries ("Utility Subsidiaries") that serve electric and/or natural gas customers in 12 states. These six utility subsidiaries are Northern States Power Company ("NSP-M"), a Minnesota corporation, Northern States Power Company ("NSP-W"), a Wisconsin corporation, Public Service Company of Colorado ("PSCo"), Southwestern Public Service Co. ("SPC"), Black Mountain Gas Company ("Black Mountain"), and Cheyenne Light, Fuel and Power Company ("Cheyenne"). Xcel's major nonutility subsidiaries ("Nonutility Subsidiaries") are NRG Energy, Inc. ("NRG"), Seren Innovations, Inc., e prime, inc., and Eloigne Company. For purposes of this Application, the term "Subsidiaries" includes each of Xcel's utility subsidiaries and nonutility subsidiaries, except for NRG and its subsidiaries, as well as any future direct or indirect nonutility subsidiaries (other than of NRG or its subsidiaries) of Xcel whose equity securities may be acquired in accordance with an order of the Commission or in

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