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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: September 15, 2005.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 05-18784 Filed 9-16-05; 10:14 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Form N-8b-4; SEC File No. 270-180; OMB Control No. 3235-0247.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA"), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") requests for extension of the

previously approved collection of information discussed below.

- Form N-8b-4—Registration Statement of Face-Amount Certificate Companies

Form N-8b-4 is the form used by face-amount certificate companies to comply with the filing and disclosure requirements imposed by Section 8(b) of the Investment Company Act of 1940 [15 U.S.C. 80a-8(b)]. Form N-8b-4 requires disclosure about the organization of a face-amount certificate company, its business and policies, its investment in securities, its certificates issued, the personnel and affiliated persons of the depositor, the distribution and redemption of securities, and financial statements. The Commission uses the information provided in the collection of information to determine compliance with Section 8(b) of the Investment Company Act of 1940.

Based on the Commission's industry statistics, the Commission estimates that there would be approximately 1 annual filing on Form N-8b-4. The Commission estimates that each registrant filing a Form N-8b-4 would spend 171 hours in preparing and filing the Form and that the total hour burden for all Form N-8b-4 filings would be 171 hours. Estimates of the burden hours are made solely for the purposes of the PRA, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

The information provided on Form N-8b-4 is mandatory. The information provided on Form N-8b-4 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or e-mail to: David_Rostker@omb.eop.gov; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: September 12, 2005.

Jonathan G. Katz,
Secretary.

[FR Doc. 05-18613 Filed 9-19-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[File No. SR-NASD-2005-093]

Securities Exchange Act of 1934; Release No. 52426/September 14, 2005; In the Matter of: The National Association of Securities Dealers, Incorporated; Order of Summary Abrogation

Notice is hereby given that the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(3)(C) of the Securities Exchange Act of 1934 ("Exchange Act"),¹ is summarily abrogating a proposed rule change of The National Association of Securities Dealers, Incorporated ("NASD").

On July 20, 2005, the NASD filed SR-NASD-2005-093.² The NASD submitted the rule change for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Exchange Act.³ The proposed rule change amended NASD Rule 3370 to clarify that members must make an affirmative determination and document compliance when effecting long sale orders. In the proposal, the NASD stated that it proposed to amend Rule 3370, "to re-adopt expressly the affirmative determination requirements as they now relate to member obligations with respect to long sales under Regulation SHO".⁴ The NASD designated the rule change proposal as "non-controversial" under paragraph (f)(6) of Rule 19b-4 under the Exchange Act,⁵ which renders the proposal effective upon filing with the Commission.

Pursuant to Section 19(b)(3)(C) of the Exchange Act,⁶ at any time within 60 days of the date of filing a proposed rule change pursuant to Section 19(b)(1) of

¹ 15 U.S.C. 78s(b)(3)(C).

² See Securities Exchange Act Release No. 52131 (Jul. 27, 2005), 70 FR 44707 (Aug. 3, 2005).

³ 15 U.S.C. 78s(b)(3)(A).

⁴ See Securities Exchange Act Release No. 52131, 70 FR at 44708.

⁵ A proposed rule filing may take effect upon filing with the Commission pursuant to Section 19(b)(3)(A) if it is properly designated by the self-regulatory organization as effecting a change that: "(i) Does not significantly affect the protection of investors or the public interest; (ii) Does not impose any significant burden on competition; and (iii) By its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate * * *." 17 CFR 240.19b-4(f)(6).

⁶ 15 U.S.C. 78s(b)(3)(C).

the Exchange Act,⁷ the Commission may summarily abrogate the change in the rules of the self-regulatory organization and require that the proposed rule change be re-filed in accordance with the provisions of Section 19(b)(1) of the Exchange Act⁸ and reviewed in accordance with Section 19(b)(2) of the Exchange Act,⁹ if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Exchange Act.

The Commission has received three comment letters in response to the proposed rule change.¹⁰ The substance of the comment letters calls into question the "non-controversial" designation of the proposal.

Accordingly, the Commission believes that the procedures provided by Section 19(b)(2) of the Exchange Act¹¹ will provide a more appropriate mechanism for determining whether the proposed rule change is consistent with the Exchange Act. Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Exchange Act, to abrogate the proposed rule change.

It is therefore ordered, pursuant to Section 19(b)(3)(C) of the Exchange Act,¹² that File No. SR-NASD-2005-093 be, and it hereby is, summarily abrogated. If the NASD chooses to re-file the proposed rule change, it must do so pursuant to Sections 19(b)(1)¹³ and 19(b)(2) of the Exchange Act.¹⁴

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁵

Jonathan G. Katz,
Secretary.

[FR Doc. 05-18667 Filed 9-19-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 27064; 812-12868]

Applied Materials, Inc.; Notice of Application

September 13, 2005.

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

ACTION: Notice of application under section 3(b)(2) of the Investment Company Act of 1940 (the "Act").

SUMMARY OF APPLICATION: Applied Materials, Inc. ("Applied") seeks an order under section 3(b)(2) of the Act declaring it to be primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities. Applied, directly and through its wholly-owned subsidiaries, develops, manufactures, markets and services integrated circuit fabrication equipment.

FILING DATES: The application was filed on August 14, 2002, and amended on February 28, 2005, May 31, 2005 and September 6, 2005.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief 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 October 11, 2005, 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, 100 F Street, NE., Washington, DC 20549-9303. Applicant, 3050 Bowers Ave., P.O. Box 58039, Santa Clara, CA 95054.

FOR FURTHER INFORMATION CONTACT: Julia Kim Gilmer, Senior Counsel, at (202) 551-6871, or Janet M. Grossnickle, Branch Chief, at (202) 551-6821 (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 Commission's Public Reference Desk,

100 F Street, NE., Washington, DC 20549-0102 (tel. 202-551-5850).

Applicant's Representations

1. Applied, a Delaware corporation, is in the business of developing, manufacturing, marketing and servicing integrated circuit fabrication equipment. Customers for Applied's products include semiconductor wafer manufacturers and semiconductor integrated circuit, or "chip" manufacturers such as Intel, Texas Instruments and IBM. Applied represents that these chips are key components in most advanced electronic devices and that the push to make these devices more powerful, portable and affordable spurs a rapid pace of technological change in the semiconductor industry. Applied states that in the past 23 years, it has introduced over 100 major products.

2. Applied states that it requires substantial liquid capital to fund its global infrastructure, manufacturing and service activities, and to continue its research, development and engineering programs. Applied also intends to use its liquid capital to support other business and strategic objectives by acquiring and investing in businesses with complementary products, services and/or technologies. In addition to being capital intensive, Applied states that the integrated circuit fabrication equipment industry is subject to volatile business cycles due to the rapid pace of technological developments and changes in global and regional economic conditions. Applied seeks to preserve its capital and maintain liquidity, pending the use of such capital for its current and future operations, by investing in short-term investment grade and liquid fixed income and money market investments that earn competitive market returns and provide a low level of credit risk ("Capital Preservation Investments"). Applied's board of directors oversees Applied's investment practices and defines the parameters for investment activities. Applied states that it does not invest in securities for short-term speculative purposes.

Applicant's Legal Analysis

1. Applied seeks an order under section 3(b)(2) of the Act declaring that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities, and therefore not an investment company as defined in the Act.

2. Under section 3(a)(1)(C) of the Act, an issuer is an investment company if it is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in

⁷ 15 U.S.C. 78s(b)(1).

⁸ *Id.*

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ See letter from Ira D. Hammerman, Senior Vice President and General Counsel, Securities Industry Association, to Jonathan G. Katz, Secretary, Commission, dated Aug. 24, 2005; letter from Julian Rainero, Bingham McCutchen LLP, to Jonathan G. Katz, Secretary, Commission, dated Aug. 24, 2005; letter from Shane E. Swanson, General Counsel, Automated Trading Desk, LLC, to Jonathan Katz, Secretary, Commission, dated Aug. 24, 2005.

¹¹ *Id.*

¹² 15 U.S.C. 78s(b)(3)(C).

¹³ 15 U.S.C. 78s(b)(1).

¹⁴ 15 U.S.C. 78s(b)(2).

¹⁵ 17 CFR 200.30-3(a)(58).