

continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 39—Licenses and Radiation Safety Requirements for Well Logging.

2. *Current OMB approval number:* 3150-0130.

3. *How often the collection is required:* Applications for new licenses and amendments may be submitted at any time. Applications for renewal are submitted every 10 years. Reports are submitted as events occur.

4. *Who will be required or asked to report:* Applicants for and holders of specific licenses authorizing the use of licensed radioactive material for radiography.

5. *The estimated number of annual respondents:* 161 (35 NRC licensees and 126 Agreement State licensees).

6. *The number of hours needed annually to complete the requirement or request:* 34,933 hours. The NRC licensees total burden is 7,594 hours (111 reporting hrs plus 7,483 recordkeeping hrs). The Agreement State licensees total burden is 27,339 hours (405 reporting hrs plus 26,934 recordkeeping hrs). The average burden per response for both NRC licensees and Agreement State licensees is 3.2 hours, and the burden per recordkeeper is 214 hours.

7. *Abstract:* 10 CFR part 39 establishes radiation safety requirements for the use of radioactive material in well logging operations. The information in the applications, reports and records is used by the NRC staff to ensure that the health and safety of the public is protected and that licensee possession and use of source and byproduct material is in compliance with license and regulatory requirements.

Submit, by August 2, 2004, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville

Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC World Wide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-7233, or by Internet electronic mail to [infocollects@nrc.gov](mailto:infocollects@nrc.gov).

Dated in Rockville, Maryland, this 26th day of May, 2004.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

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## SECURITIES AND EXCHANGE COMMISSION

### Issuer Delisting; Notice of Application of Espirito Santo Overseas Limited and Banco Espirito Santo, S.A., To Withdraw Its Non-Cumulative Guaranteed Preference Shares, Series B, \$25 par value, From Listing and Registration on the New York Stock Exchange, Inc.; File No. 1-12524

May 27, 2004.

On May 21, 2004, Espirito Santo Overseas Limited, S.A., a Cayman Islands corporation ("Issuer"), and Banco Espirito Santo, S.A., a Portugal corporation ("Guarantor"), filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its Non-Cumulative Guaranteed Preference Shares, Series B, \$25 par value, ("Security"), from listing and registration on the New York Stock Exchange, Inc. ("NYSE" or "Exchange").

The Board of Directors ("Board") of the Issuer adopted a resolution on April 29, 2004 to withdraw the Issuer's Security from listing on the NYSE. The Board states that the following reasons factored into its decision to withdraw the Security: (i) The limited trading volume of the Security (the Issuer and the Guarantor have determined, based

on conversations with the NYSE and information derived from third-party databases, that the average daily trading volume of the Security on the NYSE in the six months immediately preceding April 29, 2004 was less than 2,000 shares); (ii) the limited number of holders of record of the Security (the Issuer and the Guarantor have been informed by The Bank of New York, which acts as registrar, transfer agent and paying agent for the Security, that the worldwide number of holders of record of the Security as of December 31, 2003 was 69); and (iii) the costs associated with continued listing of the Security on the NYSE, including costs associated with compliance with the applicable reporting and other requirements of the Commission.

The Issuer stated in its application that it has complied with the NYSE's rules governing an issuer's voluntary withdrawal of a security from listing and registration. The Issuer's application relates solely to the Security's withdrawal from listing on the NYSE, and from registration under Section 12(b) of the Act,<sup>3</sup> and shall not affect its obligation to be registered under Section 12(g) of the Act.<sup>4</sup>

Any interested person may, on or before June 21, 2004, comment on the facts bearing upon whether the application has been made in accordance with the rules of the NYSE and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

#### Electronic Comments

- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include the File Number 1-12524 or;

#### Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. All submissions should refer to File Number 1-12524. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/delist.shtml>). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549. All comments

<sup>1</sup> 15 U.S.C. 78l(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).

<sup>3</sup> 15 U.S.C. 78l(b).

<sup>4</sup> 15 U.S.C. 78l(g).

received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 04-12548 Filed 6-2-04; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27849]

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

May 27, 2004.

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 June 21, 2004, 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 June 21, 2004, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

### Georgia Power Company, et. al. (70-10223)

Georgia Power Company ("Georgia Power"), 241 Ralph McGill Boulevard, NE., Atlanta, Georgia 30308, a wholly-owned utility subsidiary of The Southern Company ("Southern"), a registered holding company; Gulf Power Company ("Gulf Power"), One Energy Place, Pensacola, Florida 32520, a wholly-owned utility subsidiary of Southern; Mississippi Power Company ("Mississippi Power"), 2992 West Beach, Gulfport, Mississippi 39501, a wholly-owned utility subsidiary of Southern; Savannah Electric and Power Company ("Savannah Power"), 600 Bay Street East, Savannah, Georgia 31401, a wholly-owned utility subsidiary of Southern; and Southern Company Funding Corporation ("Southern Funding"), 270 Peachtree Street, NW., Atlanta, Georgia 30303, a wholly-owned subsidiary of Southern (collectively, "Applicants"), have filed a declaration/application ("Declaration") under sections 6, 7, 9(a), 10, and 12(b) of the Act and rules 45 and 54 under the Act.

By order dated November 8, 2000 (Holding Company Act Release No. 27273), Southern Funding was authorized to issue commercial paper at the request and for the benefit of the Applicants and Alabama Power Company ("Alabama Power"), and Southern Electric Generating Company ("SEGCO") (collectively, "Operating Companies") in an amount not to exceed \$3.5 billion outstanding at any time prior to June 30, 2004. The Operating Companies were authorized to borrow the proceeds from the sale of the commercial paper issued for their benefit.

Applicants now seek authority for Southern Funding to issue and sell commercial paper at the request of the Operating Companies from time to time prior to June 30, 2007 ("Authorization Period") in an aggregate principal amount at any one time outstanding not to exceed \$8.4 billion. Applicants also seek authority for Georgia Power, Gulf Power, Mississippi Power and Savannah Power to borrow the proceeds of the sale of commercial paper in amounts that will not at any time during the Authorization Period exceed \$3.2 billion for Georgia Power, \$600 million for Gulf Power, \$500 million for Mississippi Power, and \$120 million for Savannah Power. The remaining amount of commercial paper authorized to be issued by Southern Funding will be issued at the request of, and borrowed by, Alabama Power and

SEGCO.<sup>1</sup> Finally, Applicants seek authority for Georgia Power to guarantee any loan by Southern Funding to SEGCO in an amount of up to \$150 million, or to re-lend any borrowing Georgia Power makes from Southern Funding to SEGCO. Alabama Power and Georgia Power each own 50% of the outstanding common stock of SEGCO and are entitled to one-half of SEGCO's capacity and energy.

Currently, Georgia Power, Mississippi Power and Savannah Power have authority to make short-term and term loan borrowings in amounts not to exceed \$3.2 billion, \$500 million, and \$120 million, respectively, prior to March 31, 2006,<sup>2</sup> and Gulf Power has authority to effect short-term and term loan borrowings in an amount not to exceed \$600 million prior to January 1, 2007<sup>3</sup> (collectively, "Short-Term Borrowing Orders"). Applicants propose to aggregate the authority requested in the Declaration with the existing authority in the Short-Term Borrowing Orders so that at all times when the order in connection with this Declaration is in effect, Georgia Power, Mississippi Power, Savannah Power and Gulf Power will have short-term borrowing authorizations in an amount not to exceed \$3.2 billion, \$600 million, \$500 million and \$120 million aggregate principal amount, respectively.

Southern Funding has entered into financial services agreements with each Operating Company under which Southern Funding has agreed to use its reasonable best efforts to issue commercial paper in amounts and at times as requested by each Operating Company. Each of Georgia Power, Gulf Power, Mississippi Power and Savannah Power proposes to borrow the cash proceeds of each issuance it requests. Each Operating Company's requested borrowing will be evidenced on a grid promissory note from the Operating Company to Southern Funding, on which each borrowing will be reflected until repaid. The terms of each borrowing will be identical to those of the related commercial paper issued for its benefit. In addition, Georgia Power also requests authority to guarantee any loan by Southern Funding to SEGCO, or to re-lend any borrowing Georgia Power

<sup>1</sup> Applicants state that the security issuances by Alabama Power and SEGCO are exempt from prior Commission review in accordance with rule 52(a) of the Act.

<sup>2</sup> See Holding Company Act Release No. 27617 (December 16, 2002) (Georgia Power); Holding Company Act Release No. 27616 (December 16, 2002) (Mississippi Power); and Holding Company Act Release No. 27618 (December 16, 2002) (Savannah Power).

<sup>3</sup> See Holding Company Act Release No. 27773 (December 18, 2003) (Gulf Power).

<sup>5</sup> 17 CFR 200.30-3(a)(1).