

make a decision before the close of trading on the same day. The Exchange is also providing guidance to Floor Officials with respect to reviewing approval requests involving specialist short sale proprietary trades against the existing bid in a declining market. Here the Exchange is advising Floor Officials to use the same considerations to reach a decision as to whether to give approval as they would use in evaluating specialist proprietary trades against existing offers in a rising market. Floor Officials must promptly report to the Exchange's On Floor Surveillance Unit instances where they have declined to give approval to a transaction.

The Information Memo also highlights the application of depth guidelines in certain stocks. Depth guidelines specify what are considered general tolerances for price movements per trading sequence of 3,000 shares or less based on a stock's current price range and the prior month's adjusted average daily volume, which excluded trades of 25,000 shares or more. The Exchange reminds Floor Officials that requests to widen or suspend depth guidelines should continue to be evaluated based on what is reasonable given the relevant facts and circumstances in the market at the time of the request.

The Exchange believes that the guidance offered in the Information Memo will help the membership in facing any challenges offered by new market dynamics that could result from trading after the Pilot has begun.

## 2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)<sup>5</sup> of the Act that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(i)<sup>6</sup> of the Act and subparagraph (f)(1) of Rule 19b-4<sup>7</sup> thereunder. The proposed rule change is a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of existing rules of the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change 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 Act.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2005-31 on the subject line.

#### *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 SR-NYSE-2005-31. This file number should be included on the subject line if e-mail is used. To help the Commission 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/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2005-31 and should be submitted on or before June 23, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. E5-2809 Filed 6-1-05; 8:45 am]

BILLING CODE 8010-01-P

## **DEPARTMENT OF STATE**

### **[Public Notice 5093]**

### **Culturally Significant Objects Imported for Exhibition Determinations: Assorted Egyptian Treasures for Public Exhibition**

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects covered by this Notice, imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects as part of the exhibition "Mummy: the inside story", at the

<sup>5</sup> 15 U.S.C. 78f(b)(5).

<sup>6</sup> 15 U.S.C. 78s(b)(3)(A)(i).

<sup>7</sup> 17 CFR 240.19b-4(f)(1).

<sup>8</sup> 17 CFR 200.30-3(a)(12).

Houston Museum of Natural Science, Houston, TX, from on or about September 30, 2005, until on or about February 12, 2006, is in the national interest. I further determine that the exhibition or display of certain of the exhibit objects as part of the exhibition "Treasures of Ancient Art from the British Museum", at the Oklahoma City Museum of Art, Oklahoma City, OK, from on or about August 31, 2006, until on or about November 26, 2006; at the Cummer Museum of Art and Gardens, Jacksonville, FL, from on or about December 22, 2006, until on or about March 18, 2007; at the North Carolina Museum of Art, Raleigh, NC, from on or about April 15, 2007, until on or about July 8, 2007; at the Joslyn Art Museum, Omaha, NE, from on or about August 3, 2007, until on or about October 28, 2007; at the Albuquerque Museum of Art and History, Albuquerque, NM, from on or about November 16, 2007, until on or about February 10, 2008; and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8058). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: May 25, 2005.

**C. Miller Crouch,**

*Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 05-10982 Filed 6-1-05; 8:45 am]

**BILLING CODE 4710-08-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. OST-2005-21178]

### Notice of Request for Approval of a New Collection

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Department of Transportation's (DOT) intention to request the approval of a new information collection.

**DATES:** Comments on this notice must be received by August 1, 2005.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Number OST-2005-21178 by any of the following methods:

- **Web site:** <http://dms.dot.gov>.

Follow the instructions for submitting comments to the DOT electronic docket site.

**Fax:** 1-202-493-2251.

**Mail:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

**Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington DC, between 9 a.m. and 5 p.m., Monday thru Friday, except on Federal holidays.

**Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Comments are invited" heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading under Regulatory Notes.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

### FOR FURTHER INFORMATION CONTACT:

Deborah Perkins, Departmental Office of Human Resources, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington DC 20590 (202) 366-9447.

### SUPPLEMENTARY INFORMATION:

**Title:** Applicant Background Questionnaire.

**OMB Control Number:** Pending.

**Type of Request:** Authorization for a new form.

**Abstract:** The Department of Transportation (DOT) is required to collect information from both applicants and Departmental employees on their disability status, race and national origin affiliation. Additionally, this form will be used to ask applicants for employment how they learned about a

vacancy to ensure that recruitment sources yield qualified women and minority applicants, as well as applicants with disabilities, in compliance with Equal Employment Opportunity Commission (EEOC) management directives.

**Abstract:** The purpose of the collection is to standardize the collection of race, ethnicity, sex, national origin, and disability status for all DOT Operating Administrations. When established, this information will assist the DOT in monitoring programs and will be the basis for several different reports required by statute.

**Background:** The DOT is required to analyze the civil rights impact(s) of policies, actions, or decisions that affect federally conducted programs and activities and the DOT workforce. In order to assess the civil rights impact, data on recruitment, employment, and diversity must be analyzed in a consistent manner with respect to the race, ethnicity, sex, national origin, disability status, and age of applicants and employees. Currently, no uniform method of reporting and tabulating race and ethnicity data exists in the DOT. There are 10 Operating Administrations providing employee information through a centralized system as well as an Executive Agent collecting selected applicant data through an automated staffing system. The collection of data is necessary to provide each Operating Administration, and the DOT as a whole, with the composition of its workforce particularly from a race, ethnicity, and disability standpoint. Further, data is necessary to give DOT a baseline on its applicants and assist it in planning recruitment and outreach efforts.

The goal of a comprehensive DOT collection of race, ethnicity, sex, national origin, and disability status is to reduce the burden on applicants and employees to provide this type of information by creating a single voluntary survey where the data is collected in a standard format.

**Respondents:** Employees upon initial hire and applicants for positions.

**Estimated Number of Respondents:** 120,000.

**Estimated Total Burden on Respondents:** 3 minutes.

Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility as described; (b) the accuracy of the Department's estimate of burden of the proposed collection of information, including the validity of methodology and