

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-2005-11 and should be submitted on or before May 3, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. E5-1696 Filed 4-11-05; 8:45 am]
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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51476; File No. SR-Phlx-2004-75]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Floor Official Conflicts of Interest

April 5, 2005.

On November 9, 2004, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Exchange Rule 124, Disputes; and Option Floor Procedure Advices-27, Floor Official Rulings—Options ("OFPA F-27"), to authorize Exchange staff³ to disqualify a Floor Official from participating in a particular ruling where it appears that such Floor Official has a conflict of interest. The proposed rule change was published for comment in the **Federal Register** on March 4, 2005.⁴ The Commission received no comments on the proposal.

The proposed rule defines a "conflict of interest" to exist where a Floor Official is directly or indirectly

affiliated with a party seeking a Floor Official ruling; is a participant or is directly or indirectly affiliated with a participant in a transaction that is the subject of a Floor Official ruling; is a debtor or creditor of a party seeking a Floor Official ruling; or is an immediate family member of a party seeking a Floor Official ruling. The proposal does not propose to limit the term "conflict of interest" to these four circumstances and Exchange staff are authorized to consider other circumstances, on a case-by-case basis, in determining the eligibility of a particular Floor Official to participate in a particular ruling.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange⁵ and, in particular, the requirements of Section 6(b) of the Act⁶ and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Section 6(b)(5) of the Act,⁷ in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, by providing expressly in the Exchange's rules that Exchange staff are authorized to disqualify a Floor Official from participating in a particular ruling where it appears that such Floor Official has a conflict of interest. In the Commission's view, the proposed rule change would further the goal of fair and objective decision making by Floor Officials, because the Exchange would be able to take the steps necessary to prevent a Floor Official from participating in a particular ruling where it appears that the Floor Official has a conflict of interest.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁸ that the proposed rule change (SR-Phlx-2004-75), be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Margaret H. McFarland,
Deputy Secretary.

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⁵ In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ 15 U.S.C. 78s(b)(2).

⁹ 17 CFR 200.30-3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5043]

60-Day Notice of Proposed Information Collections

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collections described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Statement of Registration
- *OMB Control Number:* 1405-0002
- *Type of Request:* Extension of Currently Approved Collection
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
- *Form Number:* DS-2032
- *Respondents:* Business and non-profit organizations
- *Estimated Number of Respondents:* 5,000 (total)
- *Estimated Number of Responses:* 3,500 (per year)
- *Average Hours Per Response:* 2 hours
- *Total Estimated Burden:* 7,000 hours (per year)
- *Frequency:* Every one or two years
- *Obligation to Respond:* Mandatory
- *Title of Information Collection:* Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data
- *OMB Control Number:* 1405-0003
- *Type of Request:* Extension of Currently Approved Collection
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
- *Form Number:* DSP-5
- *Respondents:* Business and non-profit organizations
- *Estimated Number of Respondents:* 5,000 (total)
- *Estimated Number of Responses:* 35,000 (per year)
- *Average Hours Per Response:* 1 hour
- *Total Estimated Burden:* 35,000 hours (per year)
- *Frequency:* On occasion
- *Obligation to Respond:* Required to Obtain Benefits
- *Title of Information Collection:* Application/License for Temporary Import of Unclassified Defense Articles
- *OMB Control Number:* 1405-0013

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ "Exchange staff" generally refers to staff of the Exchange's Office of Market Surveillance present on the trading floor. Telephone conversation among Richard Rudolph, Director and Counsel, Phlx, Gordon Fuller, Counsel to the Assistant Director, Division of Market Regulation, Commission and Geraldine Idrizi, Attorney, Division, Commission on December 15, 2004.

⁴ See Securities Exchange Act Release No. 51272 (February 28, 2005), 70 FR 10738.

- *Type of Request:* Extension of Currently Approved Collection
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
 - *Form Number:* DSP-61
 - *Respondents:* Business and non-profit organizations
 - *Estimated Number of Respondents:* 200 (total)
 - *Estimated Number of Responses:* 1,200 (per year)
 - *Average Hours Per Response:* ½ hour (30 minutes)
 - *Total Estimated Burden:* 600 hours (per year)
 - *Frequency:* On occasion
 - *Obligation to Respond:* Required to Obtain Benefits
- *Title of Information Collection:* Application/License for Temporary Export of Unclassified Defense Articles
 - *OMB Control Number:* 1405-0023
 - *Type of Request:* Extension of Currently Approved Collection
 - *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
 - *Form Number:* DSP-73
 - *Respondents:* Business and non-profit organizations
 - *Estimated Number of Respondents:* 400 (total)
 - *Estimated Number of Responses:* 2,700 (per year)
 - *Average Hours Per Response:* 1 hour
 - *Total Estimated Burden:* 2,700 hours (per year)
 - *Frequency:* On occasion
 - *Obligation to Respond:* Required to Obtain Benefits
 - *Title of Information Collection:* Application/License for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data
 - *OMB Control Number:* 1405-0022
 - *Type of Request:* Extension of Currently Approved Collection
 - *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
 - *Form Number:* DSP-85
 - *Respondents:* Business and non-profit organizations
 - *Estimated Number of Respondents:* 100 (total)
 - *Estimated Number of Responses:* 260 (per year)
 - *Average Hours Per Response:* ½ hour (30 minutes)
 - *Total Estimated Burden:* 130 hours (per year)
 - *Frequency:* On occasion
 - *Obligation to Respond:* Required to Obtain Benefits
 - *Title of Information Collection:* Non-Transfer and Use Certificate
 - *OMB Control Number:* 1405-0021
 - *Type of Request:* Extension of Currently Approved Collection
 - *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
 - *Form Number:* DSP-83
 - *Respondents:* Business and non-profit organizations
 - *Estimated Number of Respondents:* 5,000 (total)
 - *Estimated Number of Responses:* 9,000 (per year)
 - *Average Hours Per Response:* 1 hour
 - *Total Estimated Burden:* 9,000 hours (per year)
 - *Frequency:* On occasion
 - *Obligation to Respond:* Required to Obtain Benefits
 - *Title of Information Collection:* Statement of Political Contributions, Fees, or Commissions in Connection with the Sale of Defense Articles or Services
 - *OMB Control Number:* 1405-0025
 - *Type of Request:* Extension of Currently Approved Collection
 - *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
 - *Form Number:* None
 - *Respondents:* Business and non-profit organizations
 - *Estimated Number of Respondents:* 5,000 (total)
 - *Estimated Number of Responses:* 7,250 (per year)
 - *Average Hours Per Response:* 1 hour
 - *Total Estimated Burden:* 7,250 hours (per year)
 - *Frequency:* On occasion
 - *Obligation to Respond:* Mandatory
 - *Title of Information Collection:* Application for Amendment to License for Export or Import of Classified or Unclassified Defense Articles and Related Technical Data
 - *OMB Control Number:* 1405-0092
 - *Type of Request:* Extension of Currently Approved Collection
 - *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
 - *Form Number:* DSP-119
 - *Respondents:* Business and non-profit organizations
 - *Estimated Number of Respondents:* 5,000 (total)
 - *Estimated Number of Responses:* 9,000 (per year)
 - *Average Hours Per Response:* 1 hour
 - *Total Estimated Burden:* 4,500 hours (per year)
 - *Frequency:* On occasion
 - *Obligation to Respond:* Required to Obtain Benefits
 - *Title of Information Collection:* Authority to Export Defense Articles and Services Sold under the Foreign Military Sales (FMS) Program
 - *OMB Control Number:* 1405-0051
 - *Type of Request:* Extension of Currently Approved Collection
 - *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
 - *Form Number:* DSP-94
 - *Respondents:* Business and non-profit organizations
 - *Estimated Number of Respondents:* 250 (total)
 - *Estimated Number of Responses:* 2,500 (per year)
 - *Average Hours Per Response:* ½ hour (30 minutes)
 - *Total Estimated Burden:* 1,250 hours (per year)
 - *Frequency:* On occasion
 - *Obligation to Respond:* Required to Obtain Benefits
 - *Title of Information Collection:* Request for Approval of Manufacturing License Agreements, Technical Assistance Agreements, and Other Agreements
 - *OMB Control Number:* 1405-0093
 - *Type of Request:* Extension of Currently Approved Collection
 - *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
 - *Form Number:* None
 - *Respondents:* Business and non-profit organizations
 - *Estimated Number of Respondents:* 5,000 (total)
 - *Estimated Number of Responses:* 6,700 (per year)
 - *Average Hours Per Response:* 2 hours
 - *Total Estimated Burden:* 13,400 hours (per year)
 - *Frequency:* On occasion
 - *Obligation to Respond:* Required to Obtain Benefits
 - *Title of Information Collection:* Maintenance of Records by Registrants
 - *OMB Control Number:* 1405-0111
 - *Type of Request:* Extension of Currently Approved Collection
 - *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
 - *Form Number:* None
 - *Respondents:* Business and non-profit organizations
 - *Estimated Number of Respondents:* 5,000 (total)
 - *Estimated Number of Responses:* 5,000 (per year)
 - *Average Hours Per Response:* 20 hours
 - *Total Estimated Burden:* 100,000 hours (per year)

- *Frequency*: On occasion
- *Obligation to Respond*: Mandatory
- *Title of Information Collection*: Prior Approval for Brokering Activity
- *OMB Control Number*: 1405-0142
- *Type of Request*: Extension of Currently Approved Collection
- *Originating Office*: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
- *Form Number*: None
- *Respondents*: Business and non-profit organizations
- *Estimated Number of Respondents*: 14 (total)
- *Estimated Number of Responses*: 25 (per year)
- *Average Hours Per Response*: 2 hours
- *Total Estimated Burden*: 50 hours (per year)
- *Frequency*: On occasion
- *Obligation to Respond*: Required to Obtain Benefits
- *Title of Information Collection*: Brokering Activity Reports
- *OMB Control Number*: 1405-0141
- *Type of Request*: Extension of Currently Approved Collection
- *Originating Office*: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC
- *Form Number*: None
- *Respondents*: Business and non-profit organizations
- *Estimated Number of Respondents*: 280 (total)
- *Estimated Number of Responses*: 280 (per year)
- *Average Hours Per Response*: 2 hours
- *Total Estimated Burden*: 560 hours (per year)
- *Frequency*: On occasion
- *Obligation to Respond*: Mandatory

DATES: The Department will accept comments from the public up to 60 days from June 13, 2005.

ADDRESSES: Comments and questions should be directed to Angelo Chang, the Acting Director of the Office of Defense Trade Controls Management, Department of State, who may be reached via the following methods:

- *E-mail*: ChangAA@state.gov.
- *Mail*: Angelo Chang, Office of Defense Trade Controls Management, Bureau of Political-Military Affairs, SA-1, Room H1200, 2401 E Street, NW., Washington, DC 20037.
- *Fax*: (202) 261-8199.

You must include the DS form number (if applicable), information collection title, and OMB control number in the subject line of your message/letter.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional

information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Angelo Chang, Acting Director, Office of Defense Trade Controls Management, Bureau of Political-Military Affairs, SA-1, Room H1200, 2401 E Street, NW., Washington, DC 20037, who may be reached via e-mail at ChangAA@state.gov.

SUPPLEMENTARY INFORMATION:

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection: The export, temporary import, temporary export and brokering of defense articles, defense services and related technical data are licensed by the Directorate of Defense Trade Controls in accordance with the International Traffic in Arms Regulations (22 CFR parts 120-130). The public must submit an application or written request of the transaction to the Department to obtain a decision whether it is in the interests of U.S. foreign policy and national security to approve the transaction. Also, there is an annual reporting requirement from the defense industry regarding all brokering activity that was transacted. Furthermore, there is a requirement for the public to maintain such records for five years.

Methodology: These forms/information collections may be sent to the Directorate of Defense Trade Controls via the following methods: mail, personal delivery, fax, and/or electronically.

Dated: March 29, 2005.

Gregory M. Suchan,

Deputy Assistant Secretary for Defense, Trade Controls, Bureau of Political-Military Affairs, Department of State.

[FR Doc. 05-7251 Filed 4-11-05; 8:45 am]

BILLING CODE 4710-25-P

DEPARTMENT OF STATE

[Public Notice 5047]

Culturally Significant Objects Imported for Exhibition Determinations: "For Your Approval: Oil Sketches by Tiepolo"

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, and 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 to be included in the exhibition "For Your Approval: Oil Sketches by Tiepolo," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owners. I also determine that the exhibition or display of the exhibit objects at The J. Paul Getty Museum, Los Angeles, California, from on or about May 3, 2005 to on or about September 4, 2005, 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 Wolodymyr Sulzynsky, Attorney-Adviser, Office of the Legal Adviser, Department of State, (telephone: 202/453-8054.) The address is Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: March 3, 2005.

C. Miller Crouch,

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

[FR Doc. 05-7297 Filed 4-11-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.