

- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR-SCCP-2004-03 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File Number SR-SCCP-2004-03. 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 Section, 100 F Street, NE., Washington, DC 20549-9303. Copies of such filing also will be available for inspection and copying at the principal office of SCCP and on SCCP's Web site at <http://www.phlx.com/SCCP>. 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-SCCP-2004-03 and should be submitted on or before August 31, 2005.

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

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. E5-4311 Filed 8-9-05; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF STATE

### [Public Notice 5154]

#### Culturally Significant Objects Imported for Exhibition Determinations: "New Photography '05: Carlos Garaicoa, Bertien van Manen, Phillip Pisciotta, Robin Rhode"

**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 to be included in the exhibition "New Photography '05: Carlos Garaicoa, Bertien van Manen, Phillip Pisciotta, Robin Rhode" 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 owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Museum of Modern Art, New York New York, from on or about October 21, 2005 to on or about January 16, 2006, 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 R. Sulzynsky, the Office of the Legal Adviser, Department of State, (telephone: 202/453-8050). The address is Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: August 2, 2005.

**C. Miller Crouch,**

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

[FR Doc. 05-15818 Filed 8-9-05; 8:45 am]

**BILLING CODE 4710-08-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Application of GoJet Airlines, LLC for Certificate Authority: Correction

**AGENCY:** Department of Transportation.

**ACTION:** Correction to Notice of Order To Show Cause (Order 2005-7-14) Docket OST-2004-19877.

**SUMMARY:** By Order 2005-7-14, served on July 15, 2005, the Department tentatively concluded that GoJet Airlines, LLC is fit, willing, and able to provide interstate scheduled air transportation of persons, property and mail, and should be issued a certificate of public convenience and necessity authorizing such operations, subject to conditions. At that time, we directed interested parties to file objections no later than 14 days after the service date of the order (*i.e.*, July 29, 2005). Subsequently, the Department published a notice in the **Federal Register** on July 21, 2005, inadvertently directing all interested parties wishing to file objections to do so by August 29, 2005. In order to correct this administrative error, while, at the same time, providing interested parties with a suitable period of time to file comments, we find it appropriate to direct persons wishing to file objections to our tentative decision to do so by August 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lauralyn Remo, Air Carrier Fitness Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

### Correction

In the **Federal Register** of July 21, 2005, in FR Doc. 05-14378, on page 42135, in the second column, correct the **DATES** caption to read:

**DATES:** Persons wishing to file objections should do so no later than August 15, 2005.

Dated: August 4, 2005.

**Karan K. Bhatia,**

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 05-15916 Filed 8-9-05; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF TRANSPORTATION

#### Office of the Secretary; Application of GoJet Airlines, LLC for Certificate Authority: Correction

**AGENCY:** Department of Transportation.

**ACTION:** Correction to Notice of Order To Show Cause (Order 2005-7-14) Docket OST-2004-19877.

**SUMMARY:** By Order 2005-7-14, served on July 15, 2005, the Department tentatively concluded that GoJet Airlines, LLC is fit, willing, and able to provide tentatively scheduled air

<sup>5</sup> 17 CFR 200.30-3(a)(12).

transportation of persons, property, and mail, and should be issued a certificate of public convenience and necessity authorizing such operations, subject to conditions. At that time, we directed interested parties to file objections no later than 14 days after the service date of the order (*i.e.*, July 29, 2005). Subsequently, the Department published a notice in the **Federal Register** on July 21, 2005, inadvertently directing all interested parties wishing to file objections should do so by August 29, 2005. In order to correct this administrative error, while, at the same time, providing interested parties with a suitable period of time to file comments, we find it appropriate to direct persons wishing to file objections to our tentative decision to do so by August 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lauralyn Remo, Air Carrier Fitness Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

#### Correction

In the **Federal Register** of July 21, 2005, in FR Doc. 05-14378, on page 42135, in the second column, correct the **DATES** caption to read:

**DATES:** Persons wishing to file objections should do so no later than August 15, 2005.

Dated: August 4, 2005.

**Karan K. Bhatia,**

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 05-15917 Filed 8-9-05; 8:45 am]

**BILLING CODE 4910-62-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2005-21254]

#### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** The FMCSA announces its decision to exempt 24 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

**DATES:** August 10, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

You may see all the comments online through the Document Management System (DMS) at: <http://dmses.dot.gov>.

##### Background

On May 31, 2005, the FMCSA published a notice of receipt of exemption applications from 24 individuals, and requested comments from the public (70 FR 30999). The 24 individuals petitioned the FMCSA for exemptions from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. They are: Linda L. Billings, George L. Cannon, Anthony Ciancone, Jr., Andrew B. Clayton, Kenneth D. Daniels, Jerry A. Davidson, Richard D. Espey, Jr., Allen R. Fasen, Tommy K. Floyd, Franklin G. Hermann, William W. Hodgins, Hazel L. Hopkins, Jr., Donald M. Jenson, Dean A. Maystead, Jason L. McBride, Sr., Willie J. Morgan, Carl V. Murphy, Jr., Donald L. Murphy, Mark D. Page, Larry D. Reynolds, Thomas D. Reynolds, Walter J. Savage, Jr., Thomas J. Sweeny, Jr., and Louis E. Villa, Jr.

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the agency to renew exemptions at the end of the 2-year period. Accordingly, the FMCSA has evaluated the 24 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on June 30, 2005. Two comments were received, and their contents were carefully considered by the FMCSA in reaching the final decision to grant the exemptions.

##### Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual

acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

Since 1992, the agency has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70° to 120°, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Paul Aiello, M.D., and James W. Rosenberg, M.D., Visual Requirements and Commercial Drivers, October 16, 1998, filed in the docket, FMCSA-98-4334.) The panel's conclusion supports the agency's view that the present visual acuity standard is reasonable and necessary as a general standard to ensure highway safety. The FMCSA also recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 24 applicants fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, macular and retinal scars, and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but seven of the applicants were either born with their vision impairments or have had them since childhood. The seven individuals who sustained their vision conditions as adults have had them for periods ranging from 4 to 45 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion has sufficient vision to perform all the tasks necessary to operate a CMV. The doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and performance tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.