

The Board of Directors ("Board") of the Issuer approved resolutions on April 29, 2005, to withdraw the Security from listing and registration on NYSE. The Issuer stated that the following reasons factored into the Board's decision to withdraw the Security. First, pursuant to the applicable NYSE rules and the Sarbanes-Oxley Act of 2002, the continued listing of the Security requires that the Issuer create an audit committee or qualify a statutory auditor to act as such. Due to the severely limited availability of specialized or otherwise qualified independent directors, domestic and foreign, the novelty of the requirement on Mexican closed-company issuers, and the cost that this would represent for the Issuer, it is not practicable for the Issuer to implement an audit committee. Second, the Security trades in very limited quantities, if at all, on NYSE.

The Issuer stated in its application that it has complied with NYSE's rules governing an issuer's voluntary withdrawal of a security from listing and registration by providing NYSE with the required documents governing the removal of securities from listing and registration on NYSE.

The Issuer's application relates solely to the withdrawal of the Security from listing on 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 August 30, 2005, comment on the facts bearing upon whether the application has been made in accordance with the rules of 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*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/delist.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include the File Number 1-31894 or;

#### *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 1-31894. 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. All comments 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.*

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**BILLING CODE 8010-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

[File No. 1-17262]

### **Issuer Delisting; Notice of Application of S.Y. Bancorp, Inc. To Withdraw Its Common Stock, No Par Value, From Listing and Registration on the American Stock Exchange LLC**

August 5, 2005.

On July 8, 2005, S.Y. Bancorp, Inc., a Kentucky corporation ("Issuer"), 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 common stock, no par value ("Security"), from listing and registration on the American Stock Exchange LLC ("Amex").

On March 15, 2005, the Board of Directors ("Board") of the Issuer approved a resolution to withdraw the Security from listing and registration on Amex and to list the Security on the Nasdaq National Market ("Nasdaq"). The Issuer stated that moving the Security to Nasdaq is an important part of the Board's plan to gain more visibility for the Issuer, increase liquidity in the Security, and enhance long-term shareholder value. The Issuer stated that the Board believes that

Nasdaq's multiple market maker system will help achieve such goals and position the Issuer among other vibrant, innovative companies that are part of Nasdaq.

The Issuer stated that it has met the requirements of Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration by complying with all the applicable laws in effect in Kentucky, in which it is incorporated.

The Issuer's application relates solely to the withdrawal of the Security from listing on Amex 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 August 30, 2005, comment on the facts bearing upon whether the application has been made in accordance with the rules of Amex, 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*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/delist.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include the File Number 1-17262 or;

#### *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 1-17262. 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. All comments 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

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

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

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

<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).

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.*

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**BILLING CODE 8010-01-P**

## OFFICE OF SPECIAL COUNSEL

### Agency Information Collection Activities; Request for Comment

**AGENCY:** Office of Special Counsel.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), and implementing regulations at 5 CFR part 1320, the U.S. Office of Special Counsel (OSC), plans to request approval from the Office of Management and Budget (OMB) for use of a previously approved information collection consisting of a customer survey form.

OSC is required by law to conduct an annual survey of those who seek its assistance. The information collection is used to carry out that mandate. The current OMB approval for this collection of information expired on July 31, 2005.

Current and former Federal employees, employee representatives, other Federal agencies, state and local government employees, and the general public are invited to comment on this information collection for a second time. The first notification, sent out on April 28, 2005, received no replies. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of OSC functions, including whether the information will have practical utility; (b) the accuracy of OSC's estimate of the burden of the proposed collections of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Comments should be received by September 5, 2005.

**ADDRESSES:** Roderick Anderson, Director of Management and Budget, U.S. Office of Special Counsel, 1730 M Street, N.W., Suite 218, Washington, DC 20036-4505.

### FOR FURTHER INFORMATION CONTACT:

Roderick Anderson, Director of Management and Budget at the address shown above; by facsimile at (202) 254-3715. The survey form for the collection of information is available for review by calling OSC, or on OSC's Web site, at <http://www.osc.gov/reading.htm>.

**SUPPLEMENTARY INFORMATION:** OSC is an independent agency responsible for, among other things, (1) investigation of allegations of prohibited personnel practices defined by law at 5 U.S.C. 2302(b), protection of whistleblowers, and certain other illegal employment practices under titles 5 and 38 of the U.S. Code, affecting current or former Federal employees or applicants for employment, and covered state and local government employees; and (2) the interpretation and enforcement of Hatch Act provisions on political activity in chapters 15 and 73 of title 5 of the U.S. Code.

OSC is required to conduct an annual survey of individuals who seek its assistance. Section 13 of Public Law 103-424 (1994), codified at 5 U.S.C.

1212 note, states, in part: "[T]he survey shall--(1) determine if the individual seeking assistance was fully apprised of their rights; (2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and (3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel." The same section also provides that survey results are to be published in OSC's annual report to Congress. Copies of prior years' annual reports are available on OSC's Web site, at <http://www.osc.gov/library.htm> (at the "Annual Reports to Congress" link), or by calling OSC at (202) 254-3600.

OSC has enhanced the effectiveness of this survey by having revised the questions asked, having added a section dealing with the Uniform Services Employment and Reemployment Rights Act (USERRA), having limited the questions asked to only those areas where an individual had rights before the MSPB under 5 U.S.C. 1212, and by having converted to an online survey. The form has been edited to make the survey clearer (e.g., by re-ordering questions and possible answers). The estimated response time has been reduced due to the survey's automation.

Title of Collection: OSC Survey--Prohibited Personnel Practice or Other Prohibited Activity (Agency Form Number OSC-48a; OMB Control Number 3255-0003)

Type of Information Collection  
Request: Approval of a previously

approved collection of information that expires on July 31, 2005, with revisions.

**Affected public:** Current and former Federal employees, applicants for Federal employment, state and local government employees, and their representatives, and the general public.

**Respondent's Obligation:** Voluntary.

**Estimated Annual Number of**

**Respondents:** 600.

**Frequency:** Annual.

**Estimated Average Amount of Time for a Person to Respond:** 12 minutes.

**Estimated Annual Burden:** 109 hours.

**Abstract:** This form is used to survey current and former Federal employees and applicants for Federal employment who have submitted allegations of possible prohibited personnel practices or other prohibited activity for investigation and possible prosecution by OSC, and whose matter has been closed or otherwise resolved during the prior fiscal year, on their experience at OSC. Specifically, the survey asks questions relating to whether the respondent was: (1) apprised of his or her rights; (2) successful at the OSC or at the Merit Systems Protection Board; and (3) satisfied with the treatment received at the OSC.

Dated: August 04, 2005.

**Scott J. Bloch,**

*Special Counsel.*

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**BILLING CODE 7405-01-S**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Application of Executive Jet Management, Inc. for Commuter Authority: Correction

**AGENCY:** Department of Transportation.

**ACTION:** Correction to Notice of Order to Show Cause (Order 2005-7-15) Docket OST-2005-20492.

**SUMMARY:** By Order 2005-7-15, served on July 20, 2005, the Department tentatively concluded that Executive Jet Management, Inc. is fit, willing, and able to provide scheduled passenger operations as a commuter air carrier under 49 U.S.C. 41738, and should be issued commuter air carrier authority, 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., August 3, 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

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