

OSHA Webpage and for assistance using the Webpage to locate docket submissions.

All comments, submissions and background documents are available for inspection and copying at the OSHA Docket Office at the above address.

Comments and submissions posed on OSHA's Webpage are available at <http://www.OSHA.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Webpage and for assistance using the Webpage to locate docket submissions.

Electronic copies of this **Federal Register** notice as well as other relevant documents are available on OSHA's Webpage. Since all admissions become public, private information such as social security numbers should not be submitted.

## II. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and cost) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The following provisions of 29 CFR part 1926, subpart R (the "Subpart") contain paperwork requirements: §§ 1926.752(a)(1) and (a)(2); 1926.753(c)(5) and (e)(2); 1926.757(a)(7), (a)(9), and (e)(4)(i); 1926.758(g); 1926.760(e) and (e)(1); 1926.761; and paragraph (c)(4)(ii) of Appendix G. These provisions ensure that: Designated parties, especially steel erectors, receive notice that building materials, components, steel structures, and fall-protection equipment are safe for specific uses; and employees exposed to fall hazards receive the required training in the recognition and control of fall hazards. These paperwork requirements provide a direct and efficient means for controlling contractors and steel erectors to inform

others (*e.g.*, employees) of steel-erection hazards and their control, thereby preventing death and serious injury by ensuring that structural steel members remain stable and that employees use fall protection correctly.

## III. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and cost) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

## IV. Proposed Actions

OSHA is proposing to extend the information collection requirements in 29 CFR par 1926, Subpart R ("Steel Erection"). The Agency will summarize the comments submitted in response to this notice and will include this summary in its request to OMB to extend the approval of these information collection requirements contained in the Standard.

*Type of Review:* Extension of currently approved information collection requirement.

*Title:* Subpart R Steel Erection 29 CFR 1926.750 through 1926.761.

*OMB Number:* 1218-0241.

*Affected Public:* Business or other for-profit; not-for-profit institutions; Federal government; State, local, or tribal governments.

*Number of Respondents:* 20,781.

*Frequency of Response:* Varies from one occurrence per project for most of the paperwork requirement to 10 occurrences per project for an employer to have a qualified rigger determine that it is safer to hoist and place purlins and single joists using deactivated safety latches on hooks rather than allowing the latches to remain activated.

*Average Time per Response:* Varies from one minute for a controlling contractor to inform a steel erector to leave fall protection at the jobsite to three hours for controlling contractors to obtain approval from the project structural engineer of record before modifying anchor bolts.

*Estimated Total Burden Hours:* 30,786.

*Estimated Cost (Operation and Maintenance):* \$0.

## V. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed at Washington, DC on December 20, 2004.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

[FR Doc. 04-28218 Filed 12-23-04; 8:45 am]

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## NATIONAL COUNCIL ON DISABILITY

### Cultural Diversity Advisory Committee Meetings (Teleconference)

**AGENCY:** National Council on Disability (NCD).

*Time and date:* 3 p.m. e.s.t., January 13, 2005.

*Place:* National Council on Disability, 1331 F Street, NW., Suite 850, Washington, DC

*Status:* All parts of this meeting will be open to the public. Those interested in participating in this meeting should contact the appropriate staff member listed below. Due to limited resources, only a few telephone lines will be available for the call.

*Agenda:* Roll call, announcements, reports, new business, adjournment.

**CONTACT PERSON FOR MORE INFORMATION:** Geraldine (Gerrie) Drake Hawkins, PhD., Program Analyst, NCD, 1331 F Street NW., Suite 850, Washington, DC 20004; 202-272-2004 (voice), 202-272-2074 (TTY), 202-272-2022 (fax), [ghawkins@ncd.gov](mailto:ghawkins@ncd.gov).

*Cultural Diversity Advisory Committee Mission:* The purpose of NCD's Cultural Diversity Advisory Committee is to provide advice and recommendations to NCD on issues affecting people with disabilities from culturally diverse backgrounds. Specifically, the committee will help identify issues, expand outreach, infuse participation, and elevate the voices of underserved and unserved segments of this nation's population that will help NCD develop federal policy that will address the needs and advance the civil and human rights of people from diverse cultures.

Dated: December 17, 2004.

**Jeff Rosen,**

Acting Executive Director and General Counsel and Director of Policy.

[FR Doc. 04-28159 Filed 12-23-04; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50886; File No. SR-CBOE-2002-03]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Board Options Exchange, Incorporated Relating to Customer Portfolio and Cross-Margining Requirements

December 20, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 2, 2004, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") Amendment No. 1<sup>3</sup> to the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The CBOE submitted the original proposed rule change to the Commission on January 15, 2002 ("Original Proposal"). The proposed rule change was published in the **Federal Register** on March 29, 2002.<sup>4</sup> The Commission received one comment letter in response to the proposed rule change.<sup>5</sup> The CBOE is proposing Amendment No. 1 to make corrections or clarifications to the proposed rule, or to reconcile differences between the proposed rule and a parallel filing by the NYSE.<sup>6</sup> The Commission is publishing this notice to

solicit comments on the proposed rule change, as amended, from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend its rules, for certain customer accounts, to allow member organizations to margin listed, broad-based, market index options, index warrants and related exchange-traded funds according to a portfolio margin methodology as an alternative to the current strategy-based margin methodology. The proposed rule change also will provide for cross-margining by allowing broad-based index futures and options on such futures to be included with listed, broad-based index options, index warrants and related exchange-traded funds for portfolio margin treatment, in a separate cross-margin account. The text of the proposed rule change is below. Additions are in italics. Deletions are in brackets.

\* \* \* \* \*

### Chapter XII Margins

#### [Covered Options Contracts]

#### *Portfolio Margin and Cross-Margin for Index Options*

Rule 12.4. [Deleted January 15, 1975.] *As an alternative to the transaction / position specific margin requirements set forth in Rule 12.3 of this Chapter 12, members may require margin for listed, broad-based U.S. index options, index warrants and underlying instruments (as defined below) in accordance with the portfolio margin requirements contained in this Rule 12.4.*

*In addition, members, provided they are a Futures Commission Merchant ("FCM") and are either a clearing member of a futures clearing organization or have an affiliate that is a clearing member of a futures clearing organization, are permitted under this Rule 12.4 to combine a customer's related instruments (as defined below) and listed, broad based U.S. index options, index warrants and underlying instruments and compute a margin requirement ("cross-margin") on a portfolio margin basis. Members must confine cross-margin positions to a portfolio margin account dedicated exclusively to cross-margining.*

*Application of the portfolio margin and cross-margining provisions of this Rule 12.4 to IRA accounts is prohibited.*

#### (a) Definitions.

(1) *The term "listed option" shall mean any option traded on a registered national securities exchange or automated facility of a registered national securities association.*

(2) *The term "unlisted option" means any option not included in the definition of listed option.*

(3) *The term "options class" refers to all options contracts covering the same underlying instrument.*

(4) *The term "portfolio" means options of the same options class grouped with their underlying instruments and related instruments.*

(5) *The term "option series" relates to listed options and means all option contracts of the same type (either a call or a put) and exercise style, covering the same underlying instrument with the same exercise price, expiration date, and number of underlying units.*

(6) *The term "related instrument" within an option class or product group means futures contracts and options on futures contracts covering the same underlying instrument.*

(7) *The term "underlying instrument" means long and short positions in an exchange traded fund or other fund product registered under the Investment Company Act of 1940 that holds the same securities, and in the same proportion, as contained in a broad based index on which options are listed. The term underlying instrument shall not be deemed to include, futures contracts, options on futures contracts, underlying stock baskets, or unlisted instruments.*

(8) *The term "product group" means two or more portfolios of the same type (see subparagraph (a)(9) below) for which it has been determined by Rule 15c3-1a under the Securities Exchange Act of 1934 that a percentage of offsetting profits may be applied to losses at the same valuation point.*

(9) *The term "theoretical gains and losses" means the gain and loss in the value of individual option series and related instruments at 10 equidistant intervals (valuation points) ranging from an assumed movement (both up and down) in the current market value of the underlying instrument. The magnitude of the valuation point range shall be as follows:*

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See letter from Richard Lewandowski, Vice President, Division of Regulatory Services, CBOE, to Michael A. Macchiaroli, Associate Director, Division of Market Regulation ("Division"), Commission, dated April 1, 2004 ("Amendment No. 1").

<sup>4</sup> See Securities Exchange Act Release No. 45630 (March 22, 2002), 67 FR 15263 (March 29, 2002).

<sup>5</sup> See E-mail from Mike Ianni, Private Investor to rule-comments@sec.gov, dated November 7, 2002 ("Ianni E-mail").

<sup>6</sup> See Securities Exchange Act Release No. 46576 (October 1, 2002), 67 FR 62843 (October 8, 2002) (File No. SR-NYSE-2002-19) ("NYSE Proposal").