

at (202) 606-0902; or by e-mail at [cfc@opm.gov](mailto:cfc@opm.gov).

**SUPPLEMENTARY INFORMATION:** To address the loss of CFC contributions experienced by local organizations due to the deployment of DoD personnel to certain warfighting area of responsibility, DoD and OPM are implementing a one-year pilot program designed to allow those deployed DoD personnel to adjust their CFC contributions so the contributions can be designated to the donor's home base MWR activities and/or the local charities located within the corresponding stateside campaign associated with their home base, in addition to the National and International charities. In the absence of this pilot program, CFC regulations limit CFC designations from deployed DoD personnel to national/international charities, or to MWR activities overseas. This pilot program will expire at the end of the 2006 CFC or approximately December 15, 2006.

Under the pilot program, the CFC-O Campaign will offer affected deployed DoD personnel a modified CFC-O Campaign pledge card that will contain two added donation options, as follows:

(1) Each deployed employee may designate a portion of their donation to their home base's MWR activities; and/or, (2) Each deployed employee may elect to apply a portion of their total contribution as a designated contribution for distribution among all local charities located within the geographic area of their home base campaign.

OPM will evaluate the costs and logistics tied to the implementation of the new options in anticipation of making it a permanent change in the regulations.

These designated contributions will be distributed by CFC-O Campaign to the local campaign associated with the donor's home base as if the recipient campaign was a participating CFC-O Campaign charity, with the final payments in the distribution cycle sent early enough that the recipient campaign can include them in its final payment to charities. The home base campaign, in turn, will be directed to distribute these designated funds, at no cost, to all local charities in the same manner as local undesignated contributions (*i.e.* in the same proportion that each charity received designations in the local campaign). Home base campaigns will only need to adjust their distribution schedules and include these CFC-O Campaign contributions in their regular monthly/quarterly distributions to the local

charities and track as cash received. Under this pilot program, donated funds will be reduced by the proportionate share of the CFC-O Campaign expenses only prior to distribution to the home base campaigns. Consequently, the home base campaigns will be directed not to charge additional processing costs to distribute these donations, since there is no additional cost associated with either the collection or distribution of the funds.

DoD personnel deployed to the affected warfighting areas of responsibility, regardless of the length of time, are officially assigned to the command to which they have been deployed. Therefore, personnel deployed to the affected warfighting areas of responsibility during the campaign season can only be solicited by the campaign responsible for the geographic area of the command. The exception to this rule is when a Navy ship has been deployed but is still considered "homeported." In this instance, the local campaign should continue to solicit the donor stationed on the homeported ship.

CFC regulations at 5 CFR 950.701 state that the CFC-O Campaign is the only authorized campaign to solicit overseas areas during the CFC solicitation period in the fall. Under no circumstances may the stateside campaigns solicit personnel deployed overseas. Sanctions may result for violations of this rule.

**Authority:** E.O. 12353 (March 23, 1982), 47 FR 12785 (March 25, 1982). 3 CFR 1982 Comp., p. 139. E.O. 12404 (February 10, 1983), 48 FR 6685 (February 15, 1983), Pub. L. 100-202, and Pub. L. 102-393 (5 U.S.C. 1101 Note).

U.S. Office of Personnel Management.

**Dan G. Blair,**

*Deputy Director.*

[FR Doc. E6-40 Filed 1-6-06; 8:45 am]

**BILLING CODE 6325-46-P**

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### Summary of Proposal(s)

(1) *Collection title:* Applicant Background Survey.

(2) *Form(s) submitted:* EEO-44.

(3) *OMB Number:* 3220-NEW.

(4) *Expiration date of current OMB clearance:* None; new collection.

(5) *Type of request:* New collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 800.

(8) *Total annual responses:* 800.

(9) *Total annual reporting hours:* 67.

(10) *Collection description:* To meet reporting requirements of Equal Employment Opportunity Commission (EEO) Management Directive 715, the RRB will collect information needed to properly assess the impact of its recruitment processes on the hiring of minorities, women, and people with disabilities.

#### ADDITIONAL INFORMATION OR COMMENTS:

Copies of the forms and supporting documents can be obtained by contacting Charles Mierzwa, the agency clearance officer, at (312) 751-3363 or [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or [Ronald.Hodapp@RRB.GOV](mailto:Ronald.Hodapp@RRB.GOV) and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Charles Mierzwa,**

*Clearance Officer.*

[FR Doc. E6-62 Filed 1-6-06; 8:45 am]

**BILLING CODE 7905-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53032; File No. SR-DTC-2005-19]

### Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Enhancements of the SMART/Track Service

December 28, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on November 10, 2005, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") and on December 22, 2005, amended the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by DTC. DTC filed

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

the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>2</sup> and Rule 19b-4(f)(4) thereunder<sup>3</sup> whereby the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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

The proposed rule change will enhance DTC's current SMART/Track service by adding an internet-based service called "SMART/Track for Buy-Ins." The service will ultimately replace DTC's existing buy-in service of its Participant Exchange ("PEX") system and will provide additional features to enable users to track buy-in notices throughout their lifecycle.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.<sup>4</sup>

#### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

This rule filing will establish an internet-based buy-in service called "SMART/Track for Buy-Ins."<sup>5</sup> The service will ultimately replace DTC's current PEX platform and will be more user-friendly. It will provide real-time open buy-in information and will enable automated communication, warehousing, and tracking of various types of buy-in related notices that are required by the rules of other self-

regulatory organizations ("SROs").<sup>6</sup> Through the service, users will be able to create and transmit notices, view notices they have received or sent, make changes to notices (if not yet transmitted) according to stated parameters, reject notices as applicable, and search archives for active and aged notices. The service will have several features that will be implemented in phases.

The first phase of the service will be National Securities Clearing Corporation's ("NSCC") Continuous Net Settlement ("CNS") buy-in execution notices. DTC participants will send these notices to CNS through SMART/Track. After CNS validates these notices (e.g. verifies certain details of the buy-in execution such as the quantity of the buy-in) the DTC participant that was bought-in will be notified of its liability through a SMART/Track notice.<sup>7</sup>

The second phase of the service will permit DTC participants to transmit CNS Notices of Intent to Buy-In and Buy-In Orders for processing. CNS will send notification to the DTC participant being bought-in of its potential liability through SMART/Track.

Notices pertaining to buy-ins other than CNS buy-ins ("non-CNS buy-ins")<sup>8</sup> and Municipal Securities Rulemaking Board ("MSRB") closeouts will be the final function implemented on SMART/Track. Users will be able to create and transmit to the designated counterparty buy-in intent notices and MSRB closeout notices through SMART/Track. Users receiving such buy-in notice or MSRB closeout notice will be able to accept or reject the notice online. The sender of such buy-in notice or MSRB closeout notice will be able to cancel a notice in any status, extend the delivery date, or change the quantity or amount.

Once fully implemented, the buy-in service will feature:

- Online cancellation and updating of a buy-in notice.
- Search and sort capability on any field in a buy-in notice.
- Audit trail with a complete record of actions taken regarding a notice, including time, date, and the person taking the action.

<sup>6</sup> E.g., New York Stock Exchange ("NYSE") Rule 282 and American Stock Exchange Rule 783. NYSE Rule 282 was recently amended to, among other things, eliminate the requirement for paper buy-in notices to permit electronic notices, including those from DTC. Securities Exchange Act Release No. 52842 (Nov. 28, 2005), 70 FR 72321 (Dec. 2, 2005) [File No. SR-NYSE-2005-50].

<sup>7</sup> Any notice or report received by participants through SMART/Track will be in addition to (and will not replace) any notices or reports currently being distributed to participants by their SRO with respect to their buy-in activity.

<sup>8</sup> Non-CNS buy-ins include NYSE, AMEX, NASD, and NSCC Balance-Order buy-ins.

• Links to DTC systems to indicate if the security subject to a buy-in is undergoing a dividend or corporate action or has been chilled for delivery.

- Automatic archiving.
- Seven-year record retention that is easily available online.

SMART/Track for Buy-Ins is subject to DTC's gross negligence and willful misconduct standard of liability for information services.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act<sup>9</sup> and the rules and regulations thereunder because it will promote the prompt and accurate clearance and settlement of securities transactions by providing important and timely notifications relating to buy-ins between participant counterparties.

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

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

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

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii)<sup>10</sup> of the Act and Rule 19b-4(f)(4)<sup>11</sup> thereunder because it effects a change in an existing service of DTC that does not adversely affect the safeguarding of securities or funds in DTC's control or for which DTC is responsible and does not significantly affect DTC's or its participants' respective rights or obligations. 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

<sup>9</sup> 15 U.S.C. 78q-1.

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>11</sup> 17 CFR 240.19b-4(f)(4).

<sup>2</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>3</sup> 17 CFR 240.19b-4(f)(4).

<sup>4</sup> The Commission has modified the text of the summaries prepared by DTC.

<sup>5</sup> See DTC Important Notice B#8796 (Nov. 23, 2005) available online at [http://www.dtc.org/impNtc/ope/ope\\_8796.pdf](http://www.dtc.org/impNtc/ope/ope_8796.pdf). SMART/Track was established in 2004 and featured a stock loan recall notification service. Securities Exchange Act Release No. 50029 (July 15, 2004), 69 FR 43870 (July 22, 2004). DTC later added a corporate action liability notification service [Securities Exchange Act Release No. 50887 (Dec. 20, 2004), 69 FR 77802 (Dec. 28, 2004)] and an agency lending disclosure service to SMART/Track. [Securities Exchange Act Release No. 52104 (July 21, 2005), 70 FR 43730 (July 28, 2004)].

arguments concerning the foregoing, including whether the proposed rule change, as amended, 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 No. SR-DTC-2005-19 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File No. SR-DTC-2005-19. 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. Copies of such filing also will be available for inspection and copying at DTC's principal office and on DTC's Web site at <http://www.dtc.org/impNtc/mor/index.html>. 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 submission should refer to File No. SR-DTC-2005-19 and should be submitted on or before January 30, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>12</sup>

**Nancy M. Morris,**  
Secretary.

[FR Doc. E6-45 Filed 1-6-06; 8:45 am]

**BILLING CODE 8010-01-P**

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

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53046; File No. SR-Phlx-2005-89]

### Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adopt an Account Fee

January 3, 2006.

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 December 23, 2005, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx. The Phlx has designated this proposal as one changing a fee imposed by the Phlx under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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

The Exchange proposes to amend its schedule of fees to adopt a fee on member organizations of fifty dollars (\$50.00) per month, or any part of a month, for each account that a member organization maintains with the Exchange beyond the number of permits<sup>5</sup> billed to that member organization (the "Fee"). The Exchange states that the Fee would be effective beginning on January 1, 2006.

Below is the text of the proposed rule change. Proposed new language is in *italics*.

\* \* \* \* \*

#### APPENDIX A

##### Permit Fees<sup>6</sup>

##### Order Flow Provider Permit Fee

a. Permits used only to submit orders to the equity, foreign currency options, or options trading floor (one floor only)—\$200.00 per month.

b. Permits used only to submit orders to more than one trading floor \$300.00 per month.

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

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

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

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

<sup>5</sup> See Phlx Rule 908.

Floor Broker, Specialist, or ROT (including RSQTs and SQTs) or Off-Floor Trader Permit Fee

a. First Permit—\$1,200.00 per month.  
b. Additional permits for members in the same organization—\$1,000.00 per month.

Excess Permit Holders—\$200.00 per month.

Other Permit Holders<sup>7</sup>—\$200.00 per month.

Foreign Currency User Fee—\$1,200.00 monthly.

Application Fee—\$350.00.

Initiation Fee<sup>8</sup>—\$1,500.00.

*Account Fee—\$50.00 monthly for each account beyond the number of permits billed to that member organization.*

\* \* \* \* \*

<sup>6</sup> The Exchange has established the date of notification of termination of a permit as the date that permit fee billing will cease.

Additionally, a permit holder will be billed only one monthly permit fee if the holder transfers from one member organization to another previously unrelated member organization as a result of a merger, partial sale or other business combination during a monthly permit fee period in order to avoid double billing in the month the merger or business combination occurred. These policies will be effective as of February 2, 2004.

<sup>7</sup> A permit holder or the member organization they solely qualify must apply for "other" status in writing to the Membership Services Department. This status requires that a permit holder or the member organization have no transaction activity for the applicable monthly billing period. Should a permit holder actively transact business during a particular month, the highest applicable monthly permit fee will apply to such permit holder and member organization for that monthly period. The "other" status only applies to permit holders who solely qualify their member organization. These policies will be effective as of February 2, 2004.

<sup>8</sup> This fee is imposed on a member upon election, on a non-member FCO participant upon the purchase of an FCO participation, and on persons or entities registering as approved lessors.

\* \* \* \* \*

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.