

**SUPPLEMENTARY INFORMATION:** The Postal Service seeks to provide the public with accurate and efficient mail delivery to the more than 144 million businesses and residences in this country. Given the public nature of the Postal Service, published standards of conduct for Postal Service employees prohibit any employee from engaging in criminal, dishonest, or similar prejudicial conduct. The Postal Service plans to conduct an internal match that compares records from a *Privacy Act of 1974* system of records and a grouping of records that is not subject to the Privacy Act. Under these circumstances, the match does not constitute a matching program subject to the computer matching provisions of the Privacy Act. Nevertheless, the Postal Service is conducting the matching program under these provisions to protect the interests of its employees.

This new computer match program will identify Postal Service employees, who have been required as a matter of law to register on state sexual offender public registries. After extensively verifying the accuracy of the information, the Postal Service will use the information to determine whether reported offenses may impact on an individual's suitability for certain positions or employment. The Postal Service will analyze each occurrence on a case-by-case basis to determine the appropriate action to take. In this regard, the Postal Service will consider the seriousness of the offense, the date of the offense, and the nature of the employee's position with the Postal Service.

The only data to be used in the match is public information, from both the Postal Service and the state public sex offender registries. The Postal Service will extract public information, including employees' name and work location, from its payroll database. This information is public information in accordance with Handbook AS-353, *Guide to Privacy and Freedom of Information Act*, section 5-2b(3) (available at [www.usps.com/privacyoffice](http://www.usps.com/privacyoffice)), and the Postal Service considers such data to be subject to disclosure requirements under the Freedom of Information Act. The data will be matched against state sexual offender registries, which are posted on various state Web sites for the public.

The Postal Service will take extensive efforts to ensure that the data is accurate. Postal Inspectors will conduct the match and will review the match report in order to verify that the person identified in the state sexual offender public registry is in fact a Postal Service employee. A postal inspector will then

determine whether the person is properly included on the public registry by reviewing the relevant facts about the offense from information furnished by relevant law enforcement agencies, such as the arresting agency. The postal inspector will refer, to the Office of the Inspector General (OIG), instances where the employee failed to provide Postal Service management with any required notice of the offense; the OIG will also be informed of other instances of employee misconduct. The inspector or OIG special agent will prepare an investigative memorandum or report of investigation, respectively, which will be sent to the individual employee's installation head. The installation head will ensure that a case-by-case analysis is conducted regarding the appropriate action to be taken. The Postal Service will provide at least 30 days advance notice prior to initiation of any adverse action against a matched individual (unless the Postal Service determines that public health or safety may be affected or threatened pursuant to 5 U.S.C. 552a(p)(3)).

The privacy of employees will be safeguarded and protected. The Postal Service will manage all data in strict accordance with the Privacy Act and the terms of the matching agreement. Any verified data that is maintained will be managed within the parameters of *Privacy Act System of Record USPS 700.000, Inspection Service Investigative File System* (last published April 29, 2005 (Volume 70, Number 82)); and, for cases referred to the Postal Service OIG, data that is maintained will also be managed within the parameters of *Privacy Act System of Record USPS 700.300, Inspector General Investigative Records* (last published June 14, 2006 (Volume 71, Number 114)). Disclosures are authorized by a Privacy Act routine use applicable to the payroll system of records (as well as other personnel systems) that pertains to disclosures to Federal and state agencies that are needed by the Postal Service or agency to make decisions regarding personnel matters; and under 5 U.S.C. 552a(b)(2) which authorizes disclosures that would be required under 5 U.S.C. 552 (the Freedom of Information Act).

Key privacy features of the matching agreement include the following:

- Requiring that the identity of matched individuals be verified and that the relevant facts of the offense be confirmed;
- Requiring appropriate security controls for the data match;
- Providing protections for employees who appear as an initial match but who are not subsequently verified as

belonging on the state registry of offenders; and

- Requiring the Postal Service to complete the verification, and provide at least 30 days advance notice, prior to initiation of any adverse action against a matched individual (unless the Postal Service determines that public health and safety may be affected or threatened pursuant to 5 U.S.C. 552a(p)(3)).

**Neva R. Watson,**

*Attorney, Legislative.*

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**BILLING CODE 7710-FW-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:* Application for Spouse Annuity Under the Railroad Retirement Act.

(2) *Form(s) submitted:* AA-3, AA-3cert.

(3) *OMB Number:* 3220-0042.

(4) *Expiration date of current OMB clearance:* 12/31/2006.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 8,500.

(8) *Total annual responses:* 8,500.

(9) *Total annual reporting hours:* 4,297.

(10) *Collection description:* The Railroad Retirement Act provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the Act. The application obtains information supporting the claim for benefits based on being a spouse of an annuitant. The information is used for determining entitlement to and amount of the annuity applied for.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (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@rb.gov](mailto:Ronald.Hodapp@rb.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.

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-54588; File No. SR-CTA/CQ-2006-02]

### Consolidated Tape Association; Notice of Filing and Immediate Effectiveness of the Tenth Substantive Amendment to the Second Restatement of the Consolidated Tape Association Plan and the Seventh Substantive Amendment to the Restated Consolidated Quotation Plan

October 11, 2006.

Pursuant to Section 11A of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 608 thereunder,<sup>2</sup> notice is hereby given that on September 18, 2006, the Consolidated Tape Association ("CTA") Plan and Consolidated Quotation ("CQ") Plan participants ("Participants")<sup>3</sup> submitted to the Securities and Exchange Commission ("Commission") proposals to amend the CTA and CQ Plans (collectively, the "Plans").<sup>4</sup> The proposals represent the tenth substantive amendment made to the Second Restatement of the CTA Plan ("Tenth Amendment to the CTA Plan")

and the seventh substantive amendment to the Restated CQ Plan ("Seventh Amendment to the CQ Plan"), and reflect changes unanimously adopted by the participants. The Tenth Amendment to the CTA Plan and the Seventh Amendment to the CQ Plan ("Amendments") would modify the procedures for entering into arrangements for pilot test operations. In addition, these amendments would exclude pilot test operations from the requirement that any change in the charges set forth in *Exhibit E* to the respective Plans be effected by a Plan amendment.

Pursuant to Rule 608(b)(3)(ii) under the Act,<sup>5</sup> the Participants designated the Amendments as concerned solely with the administration of the Plans. As a result, the Amendments have become effective upon filing with the Commission. At any time within 60 days of the filing of the amendments, the Commission may summarily abrogate the Amendments and require that the Amendments be re-filed in accordance with paragraph (a)(1) of Rule 608 and reviewed in accordance with paragraph (b)(2) of Rule 608, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act. The Commission is publishing this notice to solicit comments from interested persons.

#### I. Description and Purpose of the Proposed Amendments

##### A. Application of Pilot Test Procedures

The Amendments propose to modify the procedures that apply to the entrance into arrangements for pilot test operations and to explicitly exclude pilot test operations from the relevant Plan provisions which require any change in the charges set forth in the Plans to be effected by an amendment.

Currently, the Plans permit a network's administrator to enter into arrangements with vendors and other persons for pilot test operations designed to develop, or to permit the development of, new last sale price information services and uses and new quotation information services and uses, as relevant, without the need for agreements with, and collection of charges from, customers of such vendors or other persons. In order to enter into such arrangements, a network

administrator, acting on behalf of the Participants, must promptly report the commencement of each arrangement and, upon an arrangement's conclusion, any market research obtained from the pilot test operations to CTA or the Operating Committee, as relevant. The arrangements are exempt from certain provisions in the Plans regarding the form of, and necessity for, agreements with recipients of last sale price and quotation information, as relevant, and the amount and incidence of charges.

The Amendments propose to require that a network's administrator act with the concurrence of a majority of Participants, not merely on behalf of such Participants, in order to enter into arrangements for pilot test operations. Further, a network's administrator will be required to also report the commencement of each arrangement and any market research obtained from the pilot test operations to the SEC.

Finally, the Amendments propose to clarify that pilot test operations are exempt from the Plans' provisions regarding the establishment and amendment of charges. The provisions require any additions, deletions, or modifications to any of the charges set forth in *Exhibit E* to the Plans to be effected by an amendment to the Plans. Amendments to *Exhibit E* are subject to voting and other procedural requirements. Pursuant to the Amendments, charges imposed in connection with arrangements for pilot test operations will not constitute an addition, deletion, or modification to the charges set forth in *Exhibit E* and, as a result, do not require a Plan amendment. The text of the proposed Amendments is available on the CTA's Web site (<http://www.nysedata.com/cta>), at the principal office of the CTA, and at the Commission's Public Reference Room.

##### B. Additional Information Required by Rule 608(a)

1. Governing or Constituent Documents  
Not applicable.

2. Implementation of Amendments

The Participants have manifested their approval of the proposed Amendments by means of their execution of the Amendments. The Amendments have become effective upon filing.<sup>6</sup>

3. Development and Implementation Phases

Not applicable.

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

<sup>2</sup> 17 CFR 242.608.

<sup>3</sup> Each Participant executed the proposed amendments. The current Participants are the American Stock Exchange LLC ("Amex"); Boston Stock Exchange, Inc. ("BSE"); Chicago Board Options Exchange, Incorporated ("CBOE"); Chicago Stock Exchange, Inc. ("CHX"); National Association of Securities Dealers, Inc. ("NASD"); National Stock Exchange ("NSX"); New York Stock Exchange LLC ("NYSE"); NYSE Arca, Inc. ("NYSE Arca"); and Philadelphia Stock Exchange, Inc. ("Phlx").

<sup>4</sup> See Securities Exchange Act Release Nos. 10787 (May 10, 1974), 39 FR 17799 (order approving CTA Plan); 15009 (July 28, 1978), 43 FR 34851 (August 7, 1978) (order temporarily approving CQ Plan); and 16518 (January 22, 1980), 45 FR 6521 (order permanently approving CQ Plan). The most recent restatement of both Plans was in 1995. The CTA Plan, pursuant to which markets collect and disseminate last sale price information for listed securities, is a "transaction reporting plan" under Rule 601 under the Act, 17 CFR 242.601, and a "national market system plan" under Rule 608 under the Act, 17 CFR 242.608. The CQ Plan, pursuant to which markets collect and disseminate bid/ask quotation information for listed securities, is also a "national market system plan" under Rule 608 under the Act, 17 CFR 242.608.

<sup>5</sup> 17 CFR 242.608(b)(3)(ii).

<sup>6</sup> See *id.*