

*Section 213.3314 Department of Commerce*

- DCGS00500 Public Affairs Specialist to the Director of Public Affairs. Effective July 03, 2008.
- DCGS00506 Public Affairs Specialist to the Director of Public Affairs. Effective July 03, 2008.
- DCGS00576 Deputy Director of Advance to the Director of Advance. Effective July 03, 2008.
- DCGS60392 Confidential Assistant to the Assistant Secretary and Director General of United States/For Commercial Services. Effective July 03, 2008.
- DCGS00358 Chief of Staff for International Trade Administration to the Under Secretary for International Trade. Effective July 18, 2008.
- DCGS00424 Director, Office of Legislative Affairs to the Under Secretary Oceans and Atmosphere (Administrator National Oceanic and Atmospheric Administration). Effective July 24, 2008.
- DCGS00472 Confidential Assistant to the Executive Director for Trade Promotion and Outreach. Effective July 24, 2008.
- DCGS00570 Senior Advisor to the Coordinator to the Coordinator for International Intellectual Property Enforcement. Effective July 24, 2008.
- DCGS00520 Special Assistant to the Assistant Secretary for Market Access and Compliance. Effective July 25, 2008.
- DCGS00608 Confidential Assistant to the Director, Office of Legislative Affairs. Effective July 25, 2008.
- DCGS00619 Confidential Assistant to the Assistant Secretary for Economic Development. Effective July 25, 2008.
- DCGS00546 Special Assistant to the Deputy Secretary. Effective July 29, 2008.
- DCGS00628 Confidential Assistant to the Director of Advance. Effective July 29, 2008.

*Section 213.3315 Department of Labor*

- DLGS60251 Deputy Director of Scheduling to the Chief of Staff. Effective July 03, 2008.
- DLGS60245 Staff Assistant to the Associate Deputy Secretary. Effective July 22, 2008.
- DLGS60267 Staff Assistant to the Director of Planning, Scheduling, and Advance. Effective July 29, 2008.

*Section 213.3316 Department of Health and Human Services*

- DHGS60082 Health Attache to the Director, Office of Global Health Affairs. Effective July 18, 2008.

DHGS60080 Special Assistant to the Deputy General Counsel. Effective July 22, 2008.

DHGS60550 Senior Advisor to the Assistant Secretary, Health. Effective July 25, 2008.

*Section 213.3317 Department of Education*

- DBGS00250 Confidential Assistant (Faith Based and Community Initiatives) to the Director, Faith-Based and Community Initiatives Center. Effective July 03, 2008.
- DBGS00276 Confidential Assistant to the Chief of Staff. Effective July 10, 2008.
- DBGS00506 Confidential Assistant to the Assistant Deputy Secretary for Safe and Drug-Free Schools. Effective July 15, 2008.

*Section 213.3318 Environmental Protection Agency*

EPGS08009 Executive Producer to the Deputy Chief of Staff (Operations). Effective July 09, 2008.

*Section 213.3327 Department of Veterans Affairs*

DVGS60076 Special Assistant (White House Liaison) to the Secretary of Veterans Affairs. Effective July 10, 2008.

*Section 213.3331 Department of Energy*

- DEGS00668 Deputy Director, Public Affairs to the Director, Public Affairs. Effective July 03, 2008.
- DEGS00669 Senior Policy Advisor to the Under Secretary for Science. Effective July 15, 2008.
- DEGS00672 Policy Advisor to the Assistant Secretary of Energy (Nuclear Energy). Effective July 22, 2008.
- DEGS00670 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective July 29, 2008.
- DEGS00671 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective July 29, 2008.

*Section 213.3332 Small Business Administration*

SBGS00667 Senior Speechwriter to the Assistant Administrator for Communications and Public Liaison. Effective July 24, 2008.

*Section 213.3337 General Services Administration*

GS GS00180 Special Assistant to the Associate Administrator for Congressional and Intergovernmental Affairs. Effective July 28, 2008.

*Section 213.3344 Occupational Safety and Health Review Commission*

SHGS00002 Confidential Assistant to the Commission Member (Chairman). Effective July 25, 2008.

*Section 213.3384 Department of Housing and Urban Development*

- DUGS60212 Staff Assistant to the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations. Effective July 11, 2008.
- DUGS60065 Special Assistant to the Secretary, Housing and Urban Development. Effective July 22, 2008.

*Section 213.3394 Department of Transportation*

- DTGS60258 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs. Effective July 11, 2008.
- DTGS60358 Special Assistant for Scheduling and Advance to the Director for Scheduling and Advance. Effective July 11, 2008.
- DTGS60384 Assistant to the Secretary for Policy to the Chief of Staff. Effective July 11, 2008.
- DTGS60291 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs. Effective July 17, 2008.
- DTGS60450 Deputy Director for Scheduling and Advance to the Director for Scheduling and Advance. Effective July 18, 2008.

**Authority:** 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.

U.S. Office of Personnel Management.

**Howard Weizmann,**

*Deputy Director.*

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**RAILROAD RETIREMENT BOARD****Agency Forms Submitted for OMB Review, Request for Comments**

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) to request an extension without change of a currently approved collection of information: 3220-0171, RUIA Claims Notification System. Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if RRB and OIRA receive them within 30 days of publication date.

Section 5(b) of the Railroad Unemployment Insurance Act (RUIA), requires that effective January 1, 1990, "when a claim for benefits is filed with the Railroad Retirement Board (RRB), the RRB shall provide notice of such claim to the claimant's base year employer or employers and afford such employer or employers an opportunity to submit information relevant to the claim before making an initial determination on the claim. When the RRB initially determines to pay benefits to a claimant under the RUIA, the RRB shall provide notice of such determination to the claimant's base-year employer or employers."

The purpose of the RUIA Claims Notification System is to provide to unemployment and sickness claimant's base year employer or current employer, notice of each application and claim for benefits under the RUIA and to provide an opportunity for employers to convey information relevant to the proper adjudication of the claim. Railroad employers receive notice of applications and claims by one of three options. The first option, Form Letter ID-4K, is a computer generated form letter notice of

all unemployment applications, unemployment claims and sickness claims received from employees of a railroad company on a particular day. Form Letters ID-4K are mailed on a daily basis to officials designated by railroad employers. The second option is an Electronic Data Interchange (EDI) version of the Form Letter ID-4K notice. EDI notices of applications are transmitted to participating railroads on a daily basis, generally on the same day that applications are received. The third option, an Internet equivalent ID-4K, provides the required notification by the RRB through the RRB's Internet-based Employer Reporting System (ERS). Completion is voluntary.

Railroad employers can respond to RRB notices of applications and claims manually by mailing a completed ID-4K back to the RRB or electronically via EDI or the ERS. No changes are being proposed to any of the ID-4K options.

Upon receipt of notice that the RRB has allowed a claim either in whole, or in part, the claimant's base-year employer(s) may request a review of the determination to pay benefits, if the employers believe the determination is incorrect. The RRB utilizes Form Letter ID-4DE, Notice of RUIA Claim Determinations, an Electronic Data Interchange (EDI) version of the Form Letter ID-4K notice and an Internet equivalent ID-4E to notify base-year employers that the RRB has made a determination to pay benefits and to allow them to request the RRB to review the determination. Form Letter ID-4E is mailed on a daily basis, generally on the same day that the claims are approved for payment. The EDI and Internet-equivalent ID-4E's are also sent to participating railroads on a daily basis, generally on the same day that the claims are approved for payment.

Railroad employers can then request that the RRB review the determination either by filing a completed ID-4E by mail, EDI, or via the Internet. No changes are being proposed to any of the ID-4E options. Completion is voluntary.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (73 FR 43480 on July 25, 2008) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

**Information Collection Request (ICR)**

*Title:* RUIA Claims Notification System.

*OMB Control Number:* OMB 3220-0171.

*Form(s) submitted:* ID-4K, ID-4K (INTERNET), ID-4E, ID-4E (INTERNET).

*Type of request:* Extension without change of a currently approved collection of information.

*Affected public:* Private Sector; Business-or-other for profits.

*Abstract:* Section 5(b) of the RUIA requires that effective January 1, 1990, when a claim for benefits is filed with the Railroad Retirement Board (RRB), the RRB shall provide notice of such claim to the claimant's base-year employer(s) and afford such employer(s) an opportunity to submit information relevant to the claim before making an initial determination on the claim. When the RRB determines to pay benefits to a claimant under the RUIA, the RRB shall provide notice of such determination to the claimant(s) base-year employer.

*Changes Proposed:* The RRB proposes no changes to the forms in the collection.

*The burden estimate for the ICR is as follows:*

The estimated annual respondent burden is as follows:

Form Number	Annual responses	Time (min)	Burden hours
ID-4K (Manual) .....	1,250	2	42
ID-4K (EDI) .....	14,850	**	210
ID-4K (Internet) .....	2,500	2	83
ID-4E (Manual) .....	75	2	3
ID-4E (Internet) .....	25	2	1
<b>Total .....</b>	<b>18,700</b>	<b>.....</b>	<b>339</b>

\*\* The burden for the 5 participating employers who transmit EDI responses is calculated at 10 minutes each per day, 251 workdays a year or 210 total hours of burden.

*Additional Information or Comments:* Copies of the form and supporting documents can be obtained from 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.

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 58611]

### Securities Exchange Act of 1934 Amendment to Emergency Order Pursuant to Section 12(k)(2) of the Securities Exchange Act of 1934 Taking Temporary Action To Respond to Market Developments

September 21, 2008.

Pursuant to Section 12(k)(2) of the Securities Exchange Act of 1934,<sup>1</sup> on September 18, 2008, the Securities and Exchange Commission (“Commission”) issued an Emergency Order (the “Order”) related to short selling the publicly traded securities of certain financial firms.<sup>2</sup> The Order was effective immediately. The Commission is issuing this amendment to address current and anticipated technical and operational concerns resulting from the requirements of the Order.

#### A. Included Financial Firms

The Order applies to the publicly traded securities of certain financial firms, which entities are identified in Appendix A to the Order (“Included Financial Firms”). We are amending the Order to modify the list of Included Financial Firms. As we stated in the Order, recent market conditions have raised concerns that short selling in the securities of a wide range of financial institutions may be causing sudden and excessive fluctuations of the prices of such securities in such a manner to threaten fair and orderly markets. Difficulties with the classification criteria led to the omission of financial institutions falling within these categories. In light of the familiarity of the exchanges listing financial institutions with the nature of their respective businesses, the Commission has determined to amend this Order to provide that the listing markets shall select the individual financial institutions with securities covered by the Order. The Commission expects each national securities exchange listing financial institutions to immediately publish a list, on its Internet Web site,

of individual listed companies with common equity that will be covered by the Order’s prohibition on short sales. The Commission expects these lists to cover banks, savings associations, broker-dealers, investment advisers, and insurance companies, whether domestic or foreign, and the owners of any of these entities.

To the extent an issuer chooses not to be covered by the Order’s prohibition on short sales, we have authorized the applicable national securities exchange to exclude that issuer from its list of covered financial firms.

*It is therefore ordered* that, pursuant to our Section 12(k)(2) powers, the Order applies to the publicly traded common equity securities of any issuer identified by any national securities exchange listing such securities as being a financial institution (each a “Covered Security” and collectively, “Covered Securities”).

#### B. Options and Futures Contract Expiration

The Order includes an exception from its requirements to allow short sales that occur as a result of automatic exercise or assignment of an equity option held prior to effectiveness of the Order due to expiration of the option. We are amending the Order to also allow short sales that occur as a result of the expiration of futures contracts held prior to effectiveness of the Order.

*It is therefore ordered* that, pursuant to our Section 12(k)(2) powers, the requirements of the Order shall not apply to any person that effects a short sale in any Covered Security as a result of automatic exercise or assignment of an equity option, or in connection with settlement of a futures contract, that is held prior to effectiveness of the Order due to expiration of the option or futures contract.

#### C. Options Assignments

To allow for creation of long call options, we are amending the Order to except from its requirements, short sales that occur as a result of assignment to call writers upon exercise.

*It is therefore ordered* that, pursuant to our Section 12(k)(2) powers, the requirements of the Order shall not apply to the writer of a call option that effects a short sale in any Covered Security as a result of assignment following exercise by the holder of the call.

#### D. Market Making and Derivatives

In the Order we included an exception until 11:59 p.m. on September 19, 2008 for any person that is a market maker that effects a short

sale as part of bona fide market making and hedging activity related directly to bona fide market making in derivatives on the publicly traded securities of any Included Financial Firm. We are amending the exception so that it continues for the duration of the Order. In addition, we are clarifying that the exception applies to all market makers, including over-the-counter market makers, and that it applies to bona fide market making and hedging activity related directly to bona fide market making in exchange traded funds and exchange traded notes of which Covered Securities are a component. The purpose of this accommodation is to permit market makers to continue to provide liquidity to the markets.

To help ensure that this hedging exception does not result in increased short exposure in Covered Securities, we are limiting the exception so that if a customer or counterparty position in a derivative security based on a Covered Security is established after 12:01 a.m. E.D.T on September 22, 2008, a market maker may not effect a short sale in the Covered Security if the market maker knows that the customer’s or counterparty’s transaction will result in the customer or counterparty establishing or increasing an economic net short position (i.e., through actual positions, derivatives, or otherwise) in the issued share capital of a firm covered by this Order.

*It is therefore ordered* that, pursuant to our Section 12(k)(2) powers, the requirements of this Order shall not apply to any person that is a market maker, including an over-the-counter market maker, that effects a short sale as part of a bona fide market making and hedging activity related directly to bona fide market making in (a) derivative securities based on Covered Securities, or (b) exchange traded funds and exchange traded notes of which Covered Securities are a component. *Provided, however,* if a customer or counterparty position in a derivative security based on a Covered Security is established after 12:01 a.m. E.D.T on September 22, 2008, a market maker may not effect a short sale in the Covered Security if the market maker knows that the customer’s or counterparty’s transaction will result in the customer or counterparty establishing or increasing an economic net short position (i.e., through actual positions, derivatives, or otherwise) in the issued share capital of a firm covered by this Order.

All market makers relying on this exception to the limitation on short selling shall, as soon as operationally practicable, publish a notice on their Internet Web site that, pursuant to this

<sup>1</sup> 15 U.S.C. 78j(k)(2).

<sup>2</sup> See Securities Exchange Act Release No. 58592 (Sept. 18, 2008).