

individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: June 30, 2005.

**Sharon A. Steele,**

*Acting Branch Chief, ACRS/ACNW.*

[FR Doc. E5-3599 Filed 7-7-05; 8:45 am]

**BILLING CODE 7590-01-P**

## RAILROAD RETIREMENT BOARD

### Proposed Data Collection Available for Public Comment and Recommendations

**SUMMARY:** In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of

the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*Title and purpose of information collection:* Evidence of Marital Relationship, Living with Requirements; OMB 3220-0021. To support an application for a spouse or widow(er)'s annuity under Sections 2(c) or 2(d) of the Railroad Retirement Act, an applicant must submit proof of a valid marriage to a railroad employee. In some cases, the existence of a marital relationship is not formalized by a civil or religious ceremony. In other cases, questions may arise about the legal termination of a prior marriage of an employee, spouse, or widow(er). In

these instances, the RRB must secure additional information to resolve questionable marital relationships. The circumstances requiring an applicant to submit documentary evidence of marriage are prescribed in 20 CFR 219.30.

In the absence of documentary evidence to support the existence of a valid marriage between a spouse or widow(er) annuity applicant and a railroad employee, the RRB needs to obtain information to determine if a valid marriage existed. The RRB utilizes Forms G-124, Statement of Marital Relationship; G-124a, Statement Regarding Marriage; G-237, Statement Regarding Marital Status; G-238, Statement of Residence; and G-238a, Statement Regarding Divorce or Annulment to secure the needed information. One response is requested of each respondent. Completion is required to obtain benefits. The RRB proposes no changes to the forms in the collection.

### ESTIMATE OF ANNUAL RESPONDENT BURDEN

[The estimated annual respondent burden is as follows:]

Form #(s)	Annual Responses	Time (Min)	Burden (Hrs)
G-124 (In person) .....	125	15	31
G-124 (By mail) .....	75	20	25
G-124a .....	300	10	50
G-237 (In person) .....	75	15	19
G-237 (By mail) .....	75	20	25
G-238 (In person) .....	150	3	8
G-238 (By mail) .....	150	5	13
G-238a .....	150	10	25
Total .....	1,100	.....	196

*Additional Information or Comments:* To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363 or send an e-mail request to [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 send an e-mail to [Ronald.Hodapp@RRB.GOV](mailto:Ronald.Hodapp@RRB.GOV). Written comments should be received within 60 days of this notice.

**Charles Mierzwa,**

*Clearance Officer.*

[FR Doc. 05-13444 Filed 7-7-05; 8:45 am]

**BILLING CODE 7905-01-P**

## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on

respondents, including the use of automated collection techniques or other forms of information technology.

*Title and Purpose of Information Collection:* Evidence for Application of Overall Minimum: OMB 3220-0083.

Under section 3(f)(3) of the Railroad Retirement Act (RRA), the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount that would be payable if the employee's railroad service had been covered by the Social Security Act. This is referred to as the Special Guaranty computation or the Retirement Overall Minimum (O/M) provision. To administer the Special Guaranty provision, the RRB requires information about a retired employee's spouse and any child who is not currently eligible for benefits under the RRA but might have been eligible for benefits under the Social Security Act if

the employee's railroad service had been covered by that Act.

The RRB currently obtains the required information by the use of forms G-319 (Statement Regarding Family and Earnings for Special Guaranty Computation) and G-320 (Statement by Employee Annuitant Regarding Student Age 18-19). One form is completed by each respondent.

The RRB proposes significant burden impacting changes to Form G-319 and

Form G-320. The major changes proposed are primarily to gather information needed due to the Railroad Retirement and Survivors Improvement Act which created a new category of employees whose families might qualify for the Special Guaranty Computation if the employee has less than 120 months of railroad service, but at least 60 months of railroad service after 1995, and to expand the use of Form G-320 to include student attendance

monitoring. Proposed Form G-319 will be renamed, "Statement Regarding Family and Earnings for the Special Guaranty Computation". Proposed Form G-320 will be renamed "Student Questionnaire for the Special Guaranty Computation". Transmittal letters containing completion instructions have been developed for both of the proposed forms.

The estimated annual respondent burden is as follows:

Form #(s)	Annual responses	Time (min)	Burden (hrs)
G-319 <i>Employee completed:</i>			
With assistance .....	100	26	43
Without assistance .....	5	55	5
G-319 <i>Spouse completed:</i>			
With assistance .....	100	30	50
Without assistance .....	5	60	5
G-320:			
Age 18 at Special Guaranty .....	95	15	24
Begin Date or Special Guaranty.			
Age 18 Attainments.			
G-320:			
Student Monitoring done in Sept., March, and at end of school year .....	170	15	42
Total .....	475	.....	169

**Additional Information or Comments:**  
To request more information or to obtain a copy of the information collection justifications, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363 or send an e-mail request to [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 N. Rush Street, Chicago, Illinois 60611-2092 or send an e-mail to [Ronald.Hodapp@RRB.GOV](mailto:Ronald.Hodapp@RRB.GOV). Comments should be received within 60 days of this notice.

Charles Mierzwa,  
Clearance Officer.

[FR Doc. 05-13445 Filed 7-7-05; 8:45 am]

BILLING CODE 7905-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51938; File No. SR-CBOE-2005-40]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto Relating to the Hybrid Opening System

June 29, 2005.

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 May 16, 2005, the Chicago Board Options Exchange, Incorporated ("CBOE" 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 CBOE. The CBOE submitted Amendment No. 1 on June 24, 2005.<sup>3</sup> 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 rules relating to the Hybrid Opening System ("HOSS") procedures. The text of the proposed rule change is set forth below. Additions are in *italics*. Deletions are in *brackets*.

#### CHAPTER VI

Doing Business on the Exchange Floor

Rule 6.2B. Hybrid Opening System ("HOSS")

Rule 6.2B. (a) No change.

(b) After the Opening Notice is sent, the System will calculate and provide

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

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

<sup>3</sup> Amendment No. 1 revised the rule text to reflect language recently approved in another filing.

the Expected Opening Price ("EOP") and expected opening size ("EOS") given the current resting orders during the EOP Period ("EOP Period"). The appropriate FPC will establish the duration of the EOP Period on a class basis at between five and sixty seconds. The EOP, which will be calculated and disseminated to market participants every few seconds, is the price at which the greatest number of orders in the Book are expected to trade. After the Opening Notice is sent, quotes and orders may be submitted without restriction. An EOP may only be calculated if: (i) there are market orders in the Book, or the Book is crossed (highest bid is higher than the lowest offer) or locked (highest bid equals lowest offer), and (ii) *at least one* [the DPM's] quote [(or if there is no DPM appointed to the class, at least one quote from either a Market Maker or LMM with an appointment in the class)] is present and complies with the legal width quote requirements of Rule 8.7(b)(iv).

(c)-(d) No Change.

(e) The System will not open a series if one of the following conditions is met:

(i) [In classes in which a DPM has been appointed, there] *There is no quote present in the series that complies with the legal width quote requirements of Rule 8.7(b)(iv)* [from the DPM for the series. In classes in which no DPM has been appointed, there is no quote from