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Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands, or reduces any rights otherwise available to any employee, former employee, or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Dated: November 29, 2006.

**William D. Barnard,**

*Executive Director, U.S. Nuclear Waste Technical Review Board.*

[FR Doc. 06-9514 Filed 12-4-06; 8:45 am]

**BILLING CODE 6820-AM-M**

### OFFICE OF PERSONNEL MANAGEMENT

[OMB No. 3206-0040]

#### Submission for OMB Review; Comment Request for Revised Information Collection: OPM Form 1203-FX, and Discontinuation of: OPM Form 1203-EZ

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) submitted to the Office of Management and Budget a request for review of a revised information collection for Occupational Questionnaire (OPM Forms 1203-FX and 1203-EZ). The Occupational Questionnaire is an optical scan form designed to collect applicant information and qualifications in a format suitable for automated processing and to create applicant records for an automated examining system. Each version of this form contains a unique scan form identifier in the upper left-hand corner for the scanning equipment to recognize which version is being used. The 1203 series was commonly referred to as the Qualifications and Availability Form C. OPM has re-titled the series as Occupational Questionnaire, to fit a more generic need. OPM uses these forms to carry out its responsibility for open competitive examining for admission to the competitive service in accordance with section 3304, of title 5, United States Code.

OPM has not revised the Form 1203-FX Occupational Questionnaire commonly referred to as Form C. Upon clearance from the Office of

Management and Budget in 2002, the Occupational Questionnaire was available via OPM's Web site and OPM's USAJOBS Web site. OPM Form 1203-EZ is a three page version that is shorter and was previously approved by OMB in 2002. The approved OPM Form 1203-EZ is being discontinued because over the past two years the form was not used.

The Form 1203 FX version allowed the applicant to transmit information via facsimile, mail, or the Internet using a fillable Adobe Acrobat Reader (PDF) file. The public reporting burden of collecting this information is estimated to vary from 20 minutes to 45 minutes. The average time to complete this form is 30 minutes. Over the past three years an annual average of 54,202 applicants used Form 1203-FX for a public burden of 27,101 hours per year.

A comment request for these forms was published in the **Federal Register** on November 9, 2005 [FR Vol. 70, No. 216]. During the initial 60-day comment request period, OPM received only one comment from the Department of the Treasury: "None [bureaus] are using the three-page version, OPM Form 1203-EZ; therefore, we have no objections to OPM's plans to discontinue this three-page version." Further, "\* \* \* we definitely do see the need for continued use of the regular OPM Form 1203-FX, and are glad to hear that OPM plans to continue its availability."

For copies of this proposal, contact Mary Beth Smith-Toomey on 202-606-8358, fax at 202-418-3251, or e-mail at [mbtoomey@opm.gov](mailto:mbtoomey@opm.gov). Please include a mailing address with your request.

**DATES:** Comments on this proposal should be received within 30 days from the date of this publication.

**ADDRESSES:** Send or deliver comments to—

U.S. Office of Personnel Management,  
Division of Human Resources  
Products and Services, Center for  
Talent Services, ATTN: Charles  
Conyers, 1900 E Street, NW., Room  
1425, Washington, DC 20415-9820, E-  
mail: [charles.conyers@opm.gov](mailto:charles.conyers@opm.gov)  
and

Brenda Aguilar, OPM Desk Officer,  
Office of Management & Budget,  
Office of Information & Regulatory  
Affairs, New Executive Office  
Building, NW., Room 10235,  
Washington, DC 20503.

U.S. Office of Personnel Management.

**Dan G. Blair,**

*Deputy Director.*

[FR Doc. E6-20554 Filed 12-4-06; 8:45 am]

**BILLING CODE 6325-38-P**

### PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY

#### Senior Executive Service Performance Review Board Membership

**AGENCY:** Office of Inspector General for the Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** This notice sets forth the names and titles of the current membership of the President's Council on Integrity and Efficiency (PCIE) Performance Review Board as of October 2, 2006.

**DATES:** *Effective Date:* December 5, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Individual Offices of Inspectors General at the telephone numbers listed below.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Inspector General's Act of 1978, as amended, created the Offices of Inspectors General as independent and objective units to conduct and supervise audits and investigations relating to Federal programs and operations. Executive Order 12301 (March 26, 1981) established the President's Council on Integrity and Efficiency (PCIE) to coordinate and enhance governmental efforts to promote integrity and efficiency and to detect and prevent fraud, waste, and abuse in Federal programs. The PCIE is an interagency committee chaired by the Office of Management and Budget's Deputy Director for Management, and is comprised principally of the 29 Presidential appointed Inspectors General (IGs).

##### II. PCIE Performance Review Board

Under 5 U.S.C. 4314(c)(1)-(5), and in accordance with regulations prescribed by the Office of Personnel Management, each agency is required to establish one or more Senior Executive Service (SES) performance review boards. The purpose of these boards is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive. The current members of the President's Council on Integrity and Efficiency Performance Review Board, as of October 2, 2006, are as follows:

**Agency for International Development**  
**Phone Number: (202) 712-1170**  
**PCIE/ECIE Liaison—Dona Dinkler (202) 712-1653**

Michael G. Carroll .....	Deputy Inspector General.
Adrienne Rish .....	Assistant Inspector General for Investigations.
Walter M. Kindred, Jr. (SFS) .....	Deputy Assistant Inspector General for Investigations.
Joe Farinella (SFS) .....	Assistant Inspector General for Audit.
Bruce Boyer (SFS) .....	Deputy Assistant Inspector General for Audit.
Paula Hayes .....	Assistant Inspector General for Management.

**Department of Agriculture**  
**Phone Number: (202) 720-8001**  
**PCIE/ECIE Liaison—Cheryl Viani (202) 720-8001**

Kathleen S. Tighe .....	Deputy Inspector General.
David R. Gray .....	Counsel to the Inspector General.
Robert W. Young, Jr. ....	Assistant Inspector General for Audit.
Marlane T. Evans .....	Deputy Assistant Inspector General for Audit.
Tracy A. LaPoint .....	Deputy Assistant Inspector General for Audit.
Mark R. Woods .....	Assistant Inspector General for Investigations.
Karen L. Ellis .....	Deputy Assistant Inspector General for Investigations.
Suzanne M. Murrin .....	Assistant Inspector General for Management.

**Department of Commerce**  
**Phone Number: (202) 482-4661**  
**PCIE/ECIE Liaison—Susan Carnohan (202) 482-2187**

Edward L. Blansitt .....	Deputy Inspector General.
Elizabeth T. Barlow .....	Assistant Inspector General for Investigation.
Allison C. Lerner .....	Counsel to the Inspector General.
Judith J. Gordon .....	Assistant Inspector General for Systems Evaluation.
John M. Seeba .....	Assistant Inspector General for Auditing.
Jill A. Gross .....	Assistant Inspector General for Inspections and Program Evaluation.
Jessica Rickenbach .....	Assistant Inspector General for Compliance and Administration.

**Department of Defense**  
**Phone Number: (703) 604-8324**  
**PCIE/ECIE Liaison—John R. Crane (703) 604-8324**

Charles W. Beardall .....	Acting Deputy Inspector General for Investigations.
Patricia Brannin .....	Assistant Inspector General for Audit Policy and Oversight, Office of the Deputy Inspector General for Policy and Oversight.
John R. Crane .....	Assistant Inspector General for Communications and Congressional Liaison.
Ric Fiore .....	General Counsel and Assistant Inspector General for the Office of Legal Counsel.
Jerry Hansen .....	Deputy Inspector General for Policy and Oversight.
James Pavlik .....	Assistant Inspector General for Investigative Policy and Oversight.
Daniel F. Willkens .....	Acting Director, Defense Criminal Investigative Service, Office of the Deputy Inspector General for Investigations.

**Department of Education**  
**Phone Number: (202) 245-6900**  
**PCIE/ECIE Liaison—Tara Porter (202) 245-6588**

Cathy Lewis .....	Assistant Inspector General for Evaluations, Inspections and Management Services.
Helen Lew .....	Assistant Inspector General for Audit Services.
George Rippey .....	Deputy Assistant Inspector General for Audit Services.
Thomas Sipes .....	Assistant Inspector General for Investigative Services.
Charles Coe .....	Assistant Inspector General for Information Technology and Computer Crimes Investigation.
Mary Mitchelson .....	Counsel to the Inspector General.

**Department of Energy**  
**Phone Number: (202) 586-4393**  
**PCIE/ECIE Liaison—Marilyn Richardson (202) 586-4624**

John Hartman .....	Assistant Inspector General for Investigations.
Chris Sharpley .....	Deputy Inspector General for Investigations and Inspections.
Rickey Hass .....	Assistant Inspector General for Financial Audits.
Linda Snider .....	Assistant Inspector General for Audit Planning and Administration.
Sanford Parnes .....	Counsel to the Inspector General.

**Department of Health and Human Services**  
**Phone Number: (202) 619-3148**  
**PCIE/ECIE Liaison—Sheri Denkensohn (202) 619-3148**

Lewis Morris .....	Chief Counsel to the Inspector General.
Sam Shellenberger .....	Deputy Inspector General for the Office of Management and Policy.

Joe Green .....	Assistant Inspector General for Audit Management, Policy and Information Technology Audits.
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**Department of Homeland Security**  
**Phone Number: (202) 254-4100**  
**PCIE/ECIE Liaison—Denise S. Johnson (202) 254-4100**

James L. Taylor .....	Deputy Inspector General.
Richard N. Reback .....	Counsel to the Inspector General.
David M. Zavada .....	Assistant Inspector General for Audits.
Edward F. Cincinnati .....	Assistant Inspector General for Administration.
Elizabeth M. Redman .....	Assistant Inspector General for Investigations.
Frank Deffer .....	Assistant Inspector General for Information Technology.
Matt Jadacki .....	Special Inspector General for Gulf Coast Hurricane Recovery.
Joseph Sullivan .....	Deputy Assistant Inspector General for Investigations.
Edward M. Stulginsky .....	Deputy Assistant Inspector General for Audits.
Belinda J. Finn .....	Deputy Assistant Inspector General for Audits.

**Department of Housing and Urban Development**  
**Phone Number: (202) 708-0430**  
**PCIE/ECIE Liaison—Helen Albert (202) 708-0614, Ext. 8187**

Michael P. Stephens .....	Deputy Inspector General.
James A. Heist .....	Assistant Inspector General for Audit.
Bryan P. Saddler .....	Counsel to the Inspector General.
John McCarty .....	Deputy Assistant Inspector General for Inspections and Evaluations.
Lester Davis .....	Deputy Assistant Inspector General for Investigations.
Robert Gwin .....	Deputy Assistant Inspector General for Audit.

**Department of the Interior**  
**Phone Number: (202) 208-5745**  
**PCIE/ECIE Liaison—Renee Pettis (202) 219-0637**

Mary Kendall .....	Deputy Inspector General.
Michael Wood .....	Chief of Staff.
Anne Richards .....	Assistant Inspector General for Audits.
Kimberly Elmore .....	Principal Deputy Assistant Inspector General for Audits.
Steve Hardgrove .....	Assistant Inspector General for Investigations.
John Dupuy .....	Principal Deputy Assistant Inspector General for Investigations.
Renee Pettis .....	Assistant Inspector General for Management.
Thomas Moyle .....	Deputy Assistant Inspector General for Management.

**Department of Justice**  
**Phone Number: (202) 514-3435**  
**PCIE/ECIE Liaison—Linda N. Ruder (202) 616-4550**

Carol F. Ochoa .....	Assistant Inspector General for Oversight and Review.
Gregory T. Peters .....	Assistant Inspector General for Management and Planning.
Paul A. Price .....	Assistant Inspector General for Evaluation and Inspections.

**Department of Labor**  
**Phone Number: (202) 693-5100**  
**PCIE/ECIE Liaison—Steve Anthony (202) 693-5130**

Nancy F. Ruiz de Gamboa .....	Assistant Inspector General for Management and Policy/Chief of Staff.
Thomas F. Farrell .....	Assistant Inspector General for Labor Racketeering and Fraud Investigations.
Elliot P. Lewis .....	Assistant Inspector General for Audit.
Robert W. Curtis .....	Deputy Assistant Inspector General for Audit.
Howard L. Shapiro .....	Counsel for the Inspector General.
Richard Clark .....	Deputy Assistant Inspector General for Labor Racketeering and Fraud Investigations.

**Department of State and the Broadcasting Board of Governors**  
**Phone Number: (202) 663-0340**  
**PCIE/ECIE Liaison—Michael Wolfson (703) 284-2710**

William E. Todd .....	Deputy Inspector General for Audits, Investigations, and Management, Policy, and Planning.
Robert B. Peterson .....	Assistant Inspector General for Inspections.
Mark Duda .....	Assistant Inspector General for Audits.
John Dedona .....	Assistant Inspector General for Investigations.

**Department of Transportation**  
**Phone Number: (202) 366-1959**  
**PCIE/ECIE Liaison—Brian J. Dettelbach (202) 366-8751**

Todd J. Zinser .....	Acting Inspector General.
Theodore P. Alves .....	Principal Assistant Inspector General for Auditing and Evaluation.
David A. Dobbs .....	Assistant Inspector General for Aviation & Special Program Audits.
Robin K. Hunt .....	Deputy Assistant Inspector General for Aviation & Special Program Audits.

Rebecca C. Leng .....	Assistant Inspector General for Financial and Information Technology Audits.
Kurt W. Hyde .....	Assistant Inspector General for Surface and Maritime Programs.
Rebecca A. Batts .....	Deputy Assistant Inspector General for Surface and Maritime Programs.
David E. Tornquist .....	Assistant Inspector General for Competition and Economic Analysis.
Charles H. Lee, Jr. ....	Assistant Inspector General for Investigations.
Richard C. Beitel, Jr. ....	Deputy Assistant Inspector General for Investigations.
Brian J. Dettelbach .....	Assistant Inspector General for Legal, Legislative, and External Affairs.

**Department of the Treasury**  
**Phone Number: (202) 622-1090**  
**PCIE/ECIE Liaison—Adam D. Silverman (202) 927-5835**

Dennis S. Schindel .....	Deputy Inspector General.
Adam D. Silverman .....	Assistant Inspector General for Management.
Marla A. Freedman .....	Assistant Inspector General for Audit.
Nick D. Swanstrom .....	Assistant Inspector General for Investigations.
Robert A. Taylor .....	Deputy Assistant Inspector General for Program Audit.
Richard K. Delmar .....	Counsel to the Inspector General.

**Treasury Inspector General for Tax Administration/Department of the Treasury**  
**Phone Number: (202) 622-6500**  
**PCIE/ECIE Liaison—Bonnie Heald (202) 927-7037**

Michael Phillips .....	Deputy Inspector General for Audit.
Margaret Begg .....	Assistant Inspector General for Audit.
Daniel Devlin .....	Assistant Inspector General for Audit.
Michael McKenney .....	Assistant Inspector General for Audit.
Steven Jones .....	Deputy Inspector General for Investigations.
Timothy Camus .....	Assistant Inspector General for Investigations.
Gregory Holley .....	Deputy Assistant Inspector General for Investigations.
Michael Delgado .....	Assistant Inspector General for Investigations.
Mary Anne Curtin .....	Counsel to the Inspector General.
Joseph Hungate .....	Assistant Inspector General for Information Technology.

**Department of Veterans Affairs**  
**Phone Number: (202) 565-8620**  
**PCIE/ECIE Liaison—Catherine Gromek (202) 565-8620**

Daniel Petrole .....	Assistant Inspector General for Investigations.
James O'Neill .....	Deputy Assistant Inspector General for Investigations.
Michael Staley .....	Assistant Inspector General for Audit.
Richard Ehrlichman .....	Assistant Inspector General for Management and Administration.
Joseph Vallowe .....	Deputy Assistant Inspector General for Management and Administration.
John Daigh .....	Assistant Inspector General for Healthcare Inspections.
Dana L. Moore .....	Deputy Assistant Inspector General for Healthcare Inspections.
Maureen Regan .....	Counselor to the Inspector General.

**Environmental Protection Agency**  
**Phone Number: (202) 566-0847**  
**PCIE/ECIE Liaison—Eileen McMahon (202) 566-2546**

Mark Bialek .....	Counsel to the Inspector General.
Eileen McMahon .....	Assistant Inspector General for Congressional and Public Liaison.
Melissa Heist .....	Assistant Inspector General for Audit.
Rick Linthurst (Acting) .....	Assistant Inspector General for Program Evaluation.
Stephen Nesbitt .....	Assistant Inspector General for Investigations.
Howard Cantor .....	Assistant Inspector General for Planning, Analysis and Results.

**Equal Employment Opportunity Commission**  
**Phone Number: (202) 663-4379**  
**PCIE/ECIE Liaison—Larkin Jennings (202) 663-4391**

Aletha L. Brown .....	Inspector General.
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**Federal Trade Commission**  
**Phone Number: (202) 326-2800**  
**PCIE/ECIE Liaison—(202) 326-2800**

Howard Sribnick .....	Inspector General.
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**General Services Administration**  
**Phone Number: (202) 501-0450**  
**PCIE/ECIE Liaison—Jack C. Lebo (202) 501-2319**

Eugene L. Waszily (Acting) .....	Deputy Inspector General.
Kevin A. Buford .....	Counsel to the Inspector General.
Eugene L. Waszily .....	Assistant Inspector General for Auditing.

Andrew Patchan, Jr. ....	Deputy Assistant Inspector General for Auditing.
Charles J. Augone (Acting) .....	Assistant Inspector General for Investigations.

**National Aeronautics and Space Administration**  
**Phone Number: (202) 358-1220**  
**PCIE/ECIE Liaison—Madeline Chulumovich (202) 358-0615**

Thomas Howard .....	Deputy Inspector General.
Frank LaRocca .....	Counsel to the Inspector General.
Kevin Winters .....	Assistant Inspector General for Investigations.
Evelyn Klemstine .....	Assistant Inspector General for Audits.
Alan Lamoreaux .....	Assistant Inspector General for Management and Policy.

**National Science Foundation**  
**Phone Number: (703) 292-7100**  
**PCIE/ECIE Liaison—Maury Pully (703) 292-5059**

Thomas (Tim) Cross .....	Deputy Inspector General.
Peggy Fischer .....	Assistant Inspector General for Investigations.

**Peace Corps**  
**Phone Number: (202) 692-2900**

H. David Kotz .....	Inspector General (Foreign Service)
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**Nuclear Regulatory Commission**  
**Phone Number: (301) 415-5930**  
**PCIE/ECIE Liaison—Marie Lopez/Nagle (301) 415-5898**

David C. Lee .....	Deputy Inspector General.
Stephen D. Dingbaum .....	Assistant Inspector General for Audits.

**Office of Personnel Management**  
**Phone Number: (202) 606-1200**  
**PCIE/ECIE Liaison—Gary R. Acker (202) 606-2444**

Norbert E. Vint .....	Deputy Inspector General.
Daniel K. Marella .....	Assistant Inspector General for Policy, Resources Management, and Oversight.
Michael R. Esser .....	Assistant Inspector General for Audits.
Jeffery E. Cole .....	Deputy Assistant Inspector General for Audits.

**Railroad Retirement Board**  
**Phone Number: (312) 751-4690**  
**PCIE/ECIE Liaison—Linda Wimbourne (312) 751-4993**

William Tebbe .....	Assistant Inspector General for Investigations.
Henrietta B. Shaw .....	Assistant Inspector General for Audit.

**Small Business Administration**  
**Phone Number: (202) 205-6586**  
**PCIE/ECIE Liaison—Robert F. Fisher (202) 205-6583**

Peter L. McClintock .....	Deputy Inspector General.
Glenn P. Harris .....	Counsel to the Inspector General.
Debra S. Ritt .....	Assistant Inspector General for Auditing.
Daniel J. O'Rourke .....	Assistant Inspector General for Investigations.
Robert F. Fisher .....	Assistant Inspector General for Management and Policy.

**Social Security Administration**  
**Phone Number: (410) 966-8385**  
**PCIE/ECIE Liaison—H. Douglas Cunningham (202) 358-6319**

Steven L. Schaeffer .....	Assistant Inspector General for Audit.
Richard A. Rohde .....	Acting Assistant Inspector General for Investigations.
Kathy Buller .....	Chief Counsel to the Inspector General.

**United States Postal Service**  
**Phone Number: (703) 248-2300**  
**PCIE/ECIE Liaison—Agapi Doulaveris (703) 248-2286**

Scott Wilson .....	Deputy Inspector General.
Elizabeth Martin .....	Assistant Inspector General, General Counsel.
Gladis Griffith .....	Deputy Assistant Inspector General, General Counsel.
Ron Stith .....	Assistant Inspector General, Mission Support.
David Sidransky .....	Chief Information Officer.
Sam Guttman .....	Assistant Inspector General for Investigations.
Randy Stone .....	Deputy Assistant Inspector General for Investigations—West.

Lance Carrington .....	Deputy Assistant Inspector General for Investigations—South.
LaVan Griffith .....	Deputy Assistant Inspector General for Headquarters.
Timothy Barry .....	Deputy Assistant Inspector General for Investigations—East (Acting).
Gordon Milbourn .....	Assistant Inspector General for Audits.
Colleen McAntee .....	Deputy Assistant Inspector General for Audits—Core Operations.
Mary Demory .....	Deputy Assistant Inspector General for Audits—Headquarters Operations.
John Cihota .....	Deputy Assistant Inspector General for Audits—Financial Operations.

Dated: November 8, 2006.

**Earl E. Devaney,**

*Inspector General, Department of the Interior and Chair, Human Resources Committee, PCIE.*

[FR Doc. E6-20548 Filed 12-4-06; 8:45 am]

BILLING CODE 3110-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-54837; File No. SR-NYSE-2006-102]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Inclusion of an Additional Security in the Pilot to Put Into Operation Certain Rule Changes Pending Before the Securities and Exchange Commission to Coincide With the Exchange's Implementation of Phase 3 of the NYSE HYBRID MARKET<sup>SM</sup> and the Substitution of the Name and Trading Symbol of a Security Operating in the Pilot A

November 29, 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 November 28, 2006, the New York Stock Exchange LLC ("NYSE" 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 substantially prepared by the Exchange. NYSE filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) 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.

<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).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

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

The Exchange is proposing to include an additional security to participate in the Exchange's current pilot ("Pilot") program which puts into operation certain rule changes pending before the Commission to coincide with the Exchange's implementation of NYSE HYBRID MARKET<sup>SM</sup> ("Hybrid Market")<sup>5</sup> Phase 3. The Exchange further seeks to change the name of a security currently operating under the Pilot and substitute the name and trading symbol of its successor entity. The relevant securities are identified in Exhibit 3 to the filing, which is available on the NYSE's Web site (<http://www.nyse.com>), at the principal office of the NYSE, and at the Commission's Public Reference Room.

### 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. 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.

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

##### 1. Purpose

On October 5, 2006, the Commission approved an Exchange Pilot<sup>6</sup> to, among other things, put into operation certain proposed modifications to Exchange Rules that are currently pending<sup>7</sup> before

<sup>5</sup> The Hybrid Market was approved on March 22, 2006. See Securities Exchange Act Release No. 53539 (March 22, 2006), 71 FR 16353 (March 31, 2006).

<sup>6</sup> See Securities Exchange Act Release Nos. 54578, 71 FR 60216 (October 12, 2006) and 54610 (October 16, 2006), 71 FR 62142 (October 23, 2006).

<sup>7</sup> See Securities Exchange Act Release Nos. 54520 (September 27, 2006), 71 FR 57590 (September 29, 2006) (SR-NYSE-2006-65 and the Amendments thereto proposing to amend several Exchange Rules to clarify certain definitions and systemic processes

the Commission to coincide with the Exchange's implementation of the Hybrid Market Phase 3. The Pilot commenced on October 6, 2006<sup>8</sup> and is scheduled to terminate on the close of business November 30, 2006<sup>9</sup> or the earlier of Commission approval of the Omnibus Filing,<sup>10</sup> Stabilization Filing and the Block Cross Filing while the Commission continues to review the aforementioned pending filings. The Pilot applies to a group of securities, known as Phase 3 Pilot securities ("Pilot securities").<sup>11</sup>

The Exchange is currently in the process of phasing in the securities operating under the Pilot. As expected, the Pilot is operating with minimal problems and the benefits are proving invaluable. The Pilot is providing the Exchange with the opportunity to identify and address any system problems. Moreover, the Exchange has the ability to identify and incorporate beneficial system changes that become apparent as a result of usage in real time and under real market conditions.

("Omnibus Filing"); 54504 (September 26, 2006), 71 FR 57011 (September 28, 2006) (SR-NYSE 2006-76 proposing to amend the specialist stabilization requirements set forth in Exchange Rule 104.10 ("Stabilization Filing")); and SR-NYSE-2006-73 (filed on September 13, 2006) and Amendment No. 2 thereto (filed on October 13, 2006) (proposing to amend Exchange Rule 127 which governs the execution of a block cross transaction at a price outside the prevailing NYSE quotation ("Block Cross Filing"). The Commission notes that it approved the Omnibus Filing on November 27, 2006. See Securities Exchange Act Release No. 54820.

<sup>8</sup> The changes related to stop orders and stop limit orders proposed in the Omnibus Filing were implemented on October 16, 2006 in order to give customers and member organizations sufficient time to make any changes necessary as a result of the elimination of stop limit orders.

<sup>9</sup> On October 31, 2006 the Exchange filed to extend the Pilot until November 30, 2006. See Securities Exchange Act Release No. 54675 (October 31, 2006), 71 FR 65019 (November 6, 2006). The extension made clear that approval of any one of the pending filings would act to terminate the operation of the rules associated with the approved filing from the Pilot. Accordingly, the changes approved in the Omnibus Filing are no longer part of the Pilot. The Pilot shall not terminate in its entirety unless and until all pending filings are approved or November 30, 2006.

<sup>10</sup> See note 7 *supra*.

<sup>11</sup> Phase 3 Pilot Securities are posted on the Exchange's Web site. The securities posted on the Exchange's Web site include securities added to operate under the Pilot pursuant to Securities Exchange Act Release No. 54685 (November 1, 2006), 71 FR 65559 (November 8, 2006).