

Act, in a customer segregated account or accounts maintained in accordance with Section 4d of the Act (including any orders issued pursuant to Section 4d(a)(2) of the Act) and the Commission's regulations thereunder, and all such customer funds shall be accounted for and treated and dealt with as belonging to the customers of the CBOT clearing member, consistent with Section 4d of the Act and the regulations thereunder.

(3) This order is subject to the following conditions:

(a) The contracts, agreements, or transactions subject to this order shall be executed pursuant to the requirements of Part 35 of the Commission's regulations, as modified herein, and shall be limited to the eligible products enumerated in this order.

(b) All eligible products shall be submitted for clearing by a CBOT clearing member to CME pursuant to CBOT and CME rules.

(c) Each cleared-only contract shall be marked to market on a daily basis, and final settlement prices shall be established in accordance with CBOT rules.

(d) CME shall apply its margining system and calculate performance bond rates for each cleared-only contract in accordance with its normal and customary practices.

(e) CME shall apply appropriate risk management procedures with respect to transactions and open interest in the cleared-only contracts. CME shall conduct financial surveillance and oversight of CBOT members clearing the eligible products, and it shall conduct oversight sufficient to assure CME that each such member has the appropriate operational capabilities necessary to manage defaults in such contracts. CME and clearing members of CBOT, acting pursuant to this order, shall take all other steps necessary and appropriate to manage risk related to clearing eligible products.

(f) CBOT shall make available open interest and settlement price information for the cleared-only contracts on a daily basis in the same manner as for contracts listed on CBOT.

(g) CBOT shall establish and maintain a coordinated market surveillance program that encompasses the cleared-only contracts and the corresponding futures contracts listed by CBOT on its designated contract market.

(h) CBOT shall adopt speculative position limits for each of the cleared-only contracts that are the same as the limits applicable to the corresponding futures contracts pursuant to Commission Regulation 150.2.

(i) The cleared-only contracts shall not be treated as fungible with any contract listed for trading on CBOT.

(j) Each FCM acting pursuant to this order shall keep the types of information and records that are described in Section 4g of the Act and Commission regulations thereunder, including but not limited to Commission Regulation 1.35, with respect to all cleared-only contracts. Such information and records shall be produced for inspection in accordance with the requirements of Commission Regulation 1.31.

(k) CBOT shall provide to the Commission the types of information described in Part 16 of the Commission's regulations in the manner described in Parts 15 and 16 of the Commission's regulations with respect to all cleared-only contracts.

(l) CBOT shall apply large trader reporting requirements to cleared-only contracts in accordance with its rules, and each FCM acting pursuant to this order shall provide to the Commission the types of information described in Part 17 of the Commission's regulations in the manner described in Parts 15 and 17 of the Commission's regulations with respect to all cleared-only contracts in which it participates.

(m) CME and CBOT shall at all times fulfill all representations made in their requests for Commission action under Sections 4(c) and 4d of the Act and all supporting materials thereto.

This order is based upon the representations made and supporting material provided to the Commission by CME and CBOT in connection with their requests. Any material change or omission in the facts and circumstances pursuant to which this order is granted might require the Commission to reconsider its finding that the actions taken herein are appropriate. Further, in its discretion, the Commission may condition, suspend, terminate, or otherwise modify this order, as appropriate, on its own motion.

Issued in Washington, DC, on March 18, 2009 by the Commission.

**David A. Stawick,**

*Secretary of the Commission.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD-2009-OS-0046]

### Privacy Act of 1974; Systems of Records

**AGENCY:** Defense Finance and Accounting Service, DoD.

**ACTION:** Notice to add a new System of Records.

**SUMMARY:** The Defense Finance and Accounting Service (DFAS) proposes to add a new system of records notice to its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

**DATES:** This Action will be effective without further notice on April 23, 2009 unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to the FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, Defense Finance and Accounting Service, 8899 E. 56th Street, Indianapolis, IN 46249-0150.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Krabbenhoft at (720) 242-6631.

**SUPPLEMENTARY INFORMATION:** The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 16, 2009, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated December 12, 2000, 65 FR 239.

Dated: March 18, 2009.

**Morgan E. Frazier,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**T5040**

#### SYSTEM NAME:

Call Recording Application Records.

#### SYSTEM LOCATION:

Defense Finance and Accounting Service, Cleveland, Anthony J. Celebrezze Federal Building (Room 1669), 1240 E. 9th Street, Cleveland, OH 44199-2055.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current or former military service members, dependents, ex-spouses, DoD civilian employees, and non-DoD civilians paid by DFAS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Audio and captured systems' screen records and their indices that will include, but not be limited to, verbatim recordings of conversations between the customers and DFAS' customer service representatives (CSR), name, SSN, home address, telephone number, payroll information, marital status, dependent information, tax status, allotment, garnishment, debt, or other payroll or personal information provided by the customer.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, Departmental Regulations; E.O. 12862 (Customer Service), E.O. 9397 (SSN).

**PURPOSE(S):**

The Call Recording Application (CRA) will be used to record and index telephone conversations between customers and customer service representatives (CSRs) in DFAS' contact centers. It will also capture and index a sampling of the computer screens used by CSRs to answer inquiries. The inbound calls will be recorded in order to resolve misunderstandings or misperceptions made during the customer-CSR interaction. This system will also facilitate the process of monitoring and evaluating the recorded audio and computer screens used by CSRs in order to provide training, collect data in support of the CSRs' annual performance evaluation, and provide information used for business process improvements.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'DoD Blanket Routine Uses' published at the beginning of the DFAS compilation of systems of records notices apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Electronic storage media.

**RETRIEVABILITY:**

Social Security Number (SSN) and telephone number.

**SAFEGUARDS:**

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is restricted by passwords, which are changed periodically.

**RETENTION AND DISPOSAL:**

Destroy when superseded, obsolete, or determined to be of no further value, whichever is sooner. Records are destroyed by shredding, burning, or degaussing.

**SYSTEM MANAGER(S) AND ADDRESS:**

Defense Finance and Accounting Service, Information and Technology, Anthony J. Celebrezze Federal Building, 1240 E. 9th Street, Cleveland, OH 44199-2055.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249-0150.

Individuals should furnish full name, Social Security Number (SSN), current address and telephone number.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249-0150.

Individuals should furnish full name, Social Security Number (SSN), current address and telephone number.

**CONTESTING RECORD PROCEDURES:**

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation 5400.11-R; 32 CFR part 324; or may be obtained from Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager,

Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249-0150.

**RECORD SOURCE CATEGORIES:**

The individual concerned.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

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**DEPARTMENT OF EDUCATION****Submission for OMB Review; Comment Request**

**AGENCY:** Department of Education.

**SUMMARY:** The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or April 23, 2009.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.