

3. Within 90 days of the hiring of a new Subadviser, the affected Fund's shareholders will be furnished all information about the new Subadviser that would be included in a proxy statement, except as modified to permit Aggregate Fee Disclosure.

This information will include Aggregate Fee Disclosure and any change in such disclosure caused by the addition of the new Subscriber. To meet this obligation, the Fund will provide shareholders within 90 days of the hiring of a new Subadviser with an information statement meeting the requirements of Regulation 14C, Schedule 14C, and Item 22 of Schedule 14A under the 1934 Act, except as modified by the order to permit Aggregate Fee Disclosure.

4. The Adviser will not enter into a Subadvisory Agreement with any Affiliated Subadviser without that agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Board Members, and the nomination of new or additional Independent Board Members will be placed within the discretion of the then-existing Independent Board Members.

6. When a Subadviser change is proposed for a Fund with an Affiliated Subadviser, the Board, including a majority of the Independent Board Members, will make a separate finding, reflected in the applicable Board minutes, that such change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

7. Independent legal counsel, as defined in rule 0-1(a)(6) under the Act, will be engaged to represent the Independent Board Members. The selection of such counsel will be within the discretion of the then existing Independent Board Members.

8. The Adviser will provide the Board, no less frequently than quarterly, with information about the profitability of the Adviser on a per-Fund basis. The information will reflect the impact on profitability of the hiring or termination of any Subadviser during the applicable quarter.

9. Whenever a Subadviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

10. The Adviser will provide general management services to each Fund, including overall supervisory

responsibility for the general management and investment of the fund's assets and, subject to review and approval of the Board, will: (a) set each Fund's overall investment strategies; (b) evaluate, select and recommend Subadvisers to manage all or a part of a Fund's assets; (c) when appropriate, allocate and reallocate a Fund's assets among multiple Subadvisers; (d) monitor and evaluate the performance of Subadvisers; and (e) implement procedures reasonably designed to ensure that the Subadvisers comply with each Fund's investment objective, policies and restrictions.

11. No director, trustee or officer of any Company, or director or officer of the Adviser, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person) any interest in a Subadviser, except for: (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or is under common control with a Subadviser.

12. Each Fund will disclose in its registration statement the Aggregate Fee Disclosure.

13. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

**Elizabeth M. Murphy,**  
*Secretary.*

[FR Doc. E9-16332 Filed 07/09/2009 at 8:45 am; Publication Date: 07/10/2009]

#### BILLING CODE

### SOCIAL SECURITY ADMINISTRATION

#### Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections and a new collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and the SSA Reports Clearance Officer to the addresses or fax numbers shown below.

(OMB), Office of Management and Budget, *Attn:* Desk Officer for SSA,  
*Fax:* 202-395-6974, *E-mail address:*  
*OIRA\_Submission@omb.eop.gov.*

(SSA), Social Security Administration, DCBPM, *Attn:* Reports Clearance Officer, 1332 Annex Building, 6401 Security Blvd., Baltimore, MD 21235,  
*Fax:* 410-965-6400, *E-mail address:*  
*OPLM.RCO@ssa.gov.*

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than September 8, 2009.

Individuals can obtain copies of the collection instrument by calling the SSA Reports Clearance Officer at 410-965-3758, or by writing to the e-mail address we list above.

1. Statement of Reclamation Action—31 CFR 210-0960-0734. SSA uses Form SSA-1713 to collect information to determine if a Canadian bank is able to return erroneous payments, and to determine how and when it can return the payments made after the death of a beneficiary who elected to have payments sent to Canada. Form SSA-1712 (or SSA-1712 CN) is the cover sheet SSA prepares to request return of a payment erroneously made after the death of the recipient. SSA sends Form SSA-1712 with Form SSA-1713. The respondents are Canadian financial institutions that received Social Security payments.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 15.

*Frequency of Response:* 1.

*Average Burden per Response:* 5 minutes.

*Estimated Annual Burden:* 1 hour.

II. SSA has submitted the information collections we list below to OMB for clearance. Your comments on the information collections would be most useful if OMB and SSA receive them within 30 days from the date of this publication. To be sure we consider your comments, we must receive them

no later than August 10, 2009. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410-965-3758 or by writing to the above e-mail address.

1. Statement of Claimant or Other Person—20 CFR 404.702 & 416.570—0960-0045. SSA uses the SSA-795 to obtain information from claimants or other persons having knowledge of facts in connection with claims for Supplemental Security Income (SSI) or Social Security benefits when there is no standard form to collect the needed information. SSA then uses the information to process claims for benefits or for ongoing issues related to the above programs. The respondents are applicants/recipients of SSI or Social Security benefits, or others who are in a position to provide information pertinent to the claim(s).

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 305,500.

*Frequency of Response:* 1.

*Average Burden per Response:* 15 minutes.

*Estimated Annual Burden:* 76,375 hours.

2. Claim for Amounts Due in the Case of a Deceased Beneficiary—20 CFR 404.503(b)—0960-0101. A completed SSA-1724 ensures proper payment of an underpayment due a deceased beneficiary. It is required when there is insufficient information in the file to identify the person(s) entitled to the underpayment, or the person's address. Generally, SSA collects the information when a surviving widow(er) is not already entitled to a monthly benefit on the same earnings record, or is not filing for a lump-sum death payment as a living-with spouse. The respondents are applicants for underpayments owed to deceased beneficiaries.

**Note:** This is a correction notice. SSA published this information collection with the incorrect burden information on April 07, 2009 at 74 FR 15808. We are revising the burden information.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 250,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 10 minutes.

*Estimated Annual Burden:* 41,667 hours.

3. State Agency Report of Obligations for SSA Disability Programs (SSA-4513); Time Report of Personnel Services for Disability Determination Services (SSA-4514); State Agency Schedule of Equipment Purchased for SSA Disability Programs (SSA-871)—20 CFR 404.1626—0960-0421. SSA uses Forms SSA-4513, SSA-4514, and SSA-871 to collect data necessary for detailed analysis and evaluation of costs State Disability Determination Services (DDS) incur in making disability determinations for SSA. The data are also utilized in determining funding levels for each DDS. Respondents are State DDSs.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 54.

*Estimated Annual Burden:* 756 hours.

	Respondents	Frequency of response	Total annual responses	Average burden per response (min)	Estimated annual burden (hours)
SSA-4513 & Addendum .....	54	4	216	90	324
SSA-4514 .....	54	4	216	90	324
SSA-871 .....	54	4	216	30	108
Totals .....	54	.....	.....	.....	756

4. Social Security Number Verification Services—20 CFR 401.45—0960-0660. Internal Revenue Service regulations obligate employers to provide SSA with wage and tax data using Form W-2 or its electronic equivalent. As part of this process the employer must furnish the employee's name and Social Security number (SSN). The employee's name and SSN must match SSA's records for SSA to post earnings to the employee's earnings

record, which SSA maintains. SSA offers several cost-free methods for employers to verify employee information. The cost-free methods include:

1. Internet-based service, known as the Social Security Number Verification Service (SSNVS)—employers can verify if the reported names and SSNs of their employees match SSA's records;

2. The Employee Verification Service (EVS)—employers verify, via paper and

telephone, whether the reported names and SSNs of their employees match SSA's records;

3. SSA's National 800 Number—an automated telephone employee verification service (TNEV) allows callers with an SSA-authorized PIN and password to verify employees' names and SSNs through TNEV.

*Type of Request:* Revision of an OMB-approved information collection.

Verification system	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Total annual burden (hours)
EVS .....	15,000	2	30,000	10	5,000
EVS One-Time Registration .....	50	1	50	2	2
SSNVS .....	200,000	60	12,000,000	5	1,000,000
TNEV .....	35,000	16	560,000	9	84,000
Totals .....	250,050	79	12,590,050	26	1,089,002

Dated: July 6, 2009.

**John Biles,**

*Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.*

[FR Doc. E9-16303 Filed 7-9-09; 8:45 am]

**BILLING CODE 4191-02-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35258]

#### Mississippi Central Railroad Co.— Change in Operators Exemption— Tishomingo Railroad Company, Inc

Mississippi Central Railroad Co. (MSCI),<sup>1</sup> a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to change operators from Tishomingo Railroad Company, Inc. (TISH),<sup>2</sup> to MSCI on a line of railroad of the State of Mississippi (the State), at Iuka, MS. Pursuant to an agreement with TISH, MSCI will lease and operate approximately 10 miles of rail line between Norfolk Southern Railway Company's Iuka Wye at milepost 0.0, and the Tri-State Commerce Park at milepost 10.0, in Tishomingo County, MS. MSCI states that, pursuant to the lease agreement with the State, MSCI will lease, operate, maintain, and perform all common carrier service on the line. This change in operators is exempt under 49 CFR 1150.41(c).<sup>3</sup>

Based on projected revenues for the line, MSCI expects to remain a Class III rail carrier after consummation of the proposed transaction. MSCI certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

MSCI states that it intends to consummate the transaction on August 1, 2009 (at least 30 days after the notice of exemption was filed), and that operations will begin thereafter.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision

authorizes the following activities at any solid waste rail transfer facility:

Collecting, storing, or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 17, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35258, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Daniel A. LaKemper, General Counsel, Mississippi Central Railroad Co., 1318 S. Johanson Road, Peoria, IL 61607.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: July 6, 2009.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E9-16319 Filed 7-9-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the Cold Spring Canyon Bridge Suicide Barrier project on State Route 154 at Cold Spring Canyon Bridge, 05-SB-154-PM 22.9/23.1, in the County of Santa Barbara, State of California. Those

actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before January 6, 2010. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Matt Fowler, Chief, Environmental Branch, Caltrans, 50 Higuera Street, San Luis Obispo, CA 93401 Monday through Friday 8 a.m. to 5 p.m. (805) 542-4603 or [matt\\_c\\_fowler@dot.ca.gov](mailto:matt_c_fowler@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California. The project includes the installation of a physical suicide barrier on each side of the Cold Spring Canyon Bridge, on State Route 154 near San Marcos Pass in Santa Barbara County. The bridge spans a distance of over 1,200 feet in length and is more than 400 feet in height. The purpose of the proposed project is to: (1) Reduce the number of suicides at the Cold Spring Canyon Bridge resulting from individuals jumping off the bridge, and (2) Reduce the exposure to risks for emergency personnel such as law enforcement officers or search and rescue teams when attempting to prevent persons from jumping off of the bridge, and reduce the number of recoveries that need to be performed following a suicide jump from the bridge. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment/ Finding of No Significant Impact (EA/ FONSI) for the project, approved on June 22, 2009, and in other documents in the FHWA project records. The EA/ FONSI and other project records are available by contacting Caltrans at the address provided above. The Caltrans EA/FONSI can be viewed and downloaded from the Caltrans Web site at [http://www.dot.ca.gov/dist05/projects/sb\\_cold\\_springs/eir09june.pdf](http://www.dot.ca.gov/dist05/projects/sb_cold_springs/eir09june.pdf)

<sup>1</sup> MSCI is controlled by Pioneer Railcorp. See *Pioneer Railcorp—Continuance in Control Exemption—Gettysburg & Northern Railroad Co.*, STB Finance Docket No. 34010 (STB served Feb. 27, 2001).

<sup>2</sup> See *Tishomingo Railroad Company, Inc.—Lease and Operation Exemption—Line of State of Mississippi at Iuka, MS*, STB Finance Docket No. 33806 (STB served Oct. 28, 1999).

<sup>3</sup> In order to qualify for a change in operators exemption, an applicant must give notice to shippers on the line. See 49 CFR 1150.42(b). MSCI states that no shippers are known to have shipped or received freight within the last 2 years, therefore no service of this notice is required on shippers. MSCI also certifies that a copy of the verified notice of exemption was sent to the State.