

Exchange to provide the DMM unit algorithms with order-by-order odd-lot information prior to the opening transaction without interruption until October 31, 2009, when the Exchange anticipates necessary modifications to its systems will be completed. Therefore, the Commission designates the proposal operative upon filing.<sup>21</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEAmex-2009-58 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEAmex-2009-58. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEAmex-2009-58 and should be submitted on or before September 23, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>22</sup>

**Florence E. Harmon,**  
Deputy Secretary.

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**BILLING CODE 8010-01-P**

#### **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 (Pub. L.) 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections.

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 Director for Reports Clearance at 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](mailto:OIRA_Submission@omb.eop.gov).

(SSA), Social Security Administration, DCBFM, Attn: Director, Center for Reports Clearance, 1333 Annex Building, 6401 Security Blvd.,

Baltimore, MD 21235. Fax: 410-965-0454. E-mail address: [OPLM.RCO@ssa.gov](mailto:OPLM.RCO@ssa.gov).

The information collections below are pending at SSA. SSA will submit them 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 November 2, 2009.

Individuals can obtain copies of the collection instruments by calling the SSA Director for Reports Clearance at 410-965-0454 or by writing to the e-mail address we list above.

1. *Blood Donor Locator Service (BDLS)*—20 CFR 401.200—0960-0501. This regulation stipulates that when blood donor facilities identify blood donations as Human Immunodeficiency Virus (HIV)-positive, the overseeing State agency must provide the names and Social Security Numbers of the affected donors to SSA's Blood Donor Locator Service. SSA uses this information to furnish the State agencies with the blood donors' address information to notify the blood donors. Respondents are State agencies acting on behalf of blood donor facilities.

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

*Number of Respondents:* 10.

*Frequency of Response:* 5.

*Average Burden per Response:* 15 minutes.

*Estimated Annual Burden:* 13 hours.

2. *Continuation of SSI Benefits for the Temporarily Institutionalized—Certification of Period and Need to Maintain Home*—20 CFR

416.212(b)(1)—0960-0516. When Supplemental Security Income (SSI) recipients: (1) Enter a public institution, or (2) enter a private medical institution with Medicaid paying more than 50% of expenses, their SSI payments are reduced to a nominal sum. However, if this institutionalization is temporary (defined as a maximum of 3 months), SSA may waive the reduction of benefits.

Before SSA can waive the benefit reduction, the agency must receive the following documentation: (1) A physician's certification that the beneficiary will only be institutionalized for a maximum of 3 months, and (2) certification from the beneficiary, beneficiary's family, or beneficiary's friend confirming that SSI benefits are needed to maintain the living arrangements to which the beneficiary will return post-institutionalization. The respondents are doctors of SSI beneficiaries and the beneficiaries or their family/friends.

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

<sup>21</sup> For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>22</sup> 17 CFR 200.30-3(a)(12).

*Number of Respondents:* 60,000.  
*Frequency of Response:* 1.  
*Average Burden per Response:* 5 minutes.

*Estimated Annual Burden:* 5,000 hours.

3. *Privacy and Disclosure of Official Records and Information; Availability of Information and Records to the Public—20 CFR 401.40(b)&(c), 401.55(b), 401.100(a), 402.130, 402.185—0960—*

0566. Under the Privacy and Disclosure of Official Records and Information, SSA has established methods in which the public can request the following: Access to their SSA records; disclosure of SSA records; corrections/ amendments to their SSA records; consent for release of records; records accessible through the Freedom of Information Act (FOIA); and waiver/ reduction of fees normally charged for

release of FOIA records. SSA most often collected the required information for these requests through a written letter, with the exception of the consent for release of records for which there is the Form SSA-3288. Respondents are individuals requesting access to, correction of, or disclosure of SSA records.

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

Type of request	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Access to Records .....	10,000	1	11	1,833
Designating a Representative for Disclosure of Records .....	3,000	1	2	100
Amendment of Records .....	100	1	10	17
Consent of Release of Records .....	3,000,000	1	3	150,000
FOIA Requests for Records .....	15,000	1	5	1,250
Waiver/Reduction of Fees .....	400	1	5	33
Totals .....	3,028,500	.....	.....	153,233

4. *Representative Payee Report of Benefits and Dedicated Account—20 CFR 416.546, 416.635, 416.640, 416.665—0960—0576.* SSA requires representative payees (RPs) to submit a written report accounting for the use of money paid to Social Security and/or Supplemental Security Income (SSI) recipients, and to establish and maintain a dedicated account for these payments. SSA uses Form SSA-6233 to ensure the RPs are using the benefits received for the recipient's current maintenance and personal needs, and the expenditures of funds from the dedicated account are in compliance with the law. Respondents are representative payees for SSI recipients.

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

*Number of Respondents:* 30,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 20 minutes.

*Estimated Annual Burden:* 10,000 hours.

5. *The Ticket to Work and Self-Sufficiency Program —20 CFR 411—0960—0644.* Through its Ticket to Work Program Manager, SSA uses the information collected to operate and manage the Ticket to Work Program. SSA uses the Ticket to Work Program to assign Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) beneficiaries to a service provider, and follows their progress through the various stages of ticket program participation, such as progress reviews or changes in ticket status. Most of the collections in this Information Collection Request (ICR)

require service providers to provide information to SSA for such tasks as selecting a payment system or requesting payments for helping the beneficiary achieve certain work goals. Most of the categories of information collected in this ICR are necessary for SSA to: (1) Comply with the Ticket to Work legislation, and (2) provide proper oversight of the program. SSA collects this information through several modalities, including forms, electronic exchanges, and written documentation. The respondents are SSDI beneficiaries and blind or disabled SSI beneficiaries and their employment networks or State vocational rehabilitation agencies assigned under the auspices of the Ticket to Work Program.

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

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Total annual burden (hours)
(a) 20 CFR 411.140(d)(3); 411.150(b)(3); 411.325(a); SSA-1365; SSA-1370 .....	13,700	1	240	54,800
(a) 20 CFR 411.166; 411.170(b); Electronic Data Sharing .....	35,584	1	5	2965
(b) 20 CFR 411.145; 411.325; Requesting Ticket Un-assignments .....	2,532	1	15	633
(b) 20 CFR 411.535(a)(1)(iii); VR Case Closures .....	8,505	1	5	709
(c) 20 CFR 411.192(b)&(c); Request to Place Ticket in Inactive Status .....	1,000	1	30	500
(c) 20 CFR 411.200(b); SSA-1375; SSA-L1373; SSA-L1374; SSA-L1377; Certification of Work and Educational Progress .....	127,000	1	15	31,750
(c) 20 CFR 411.210(b); Ticket-Use Status after Not Making Timely Progress .....	3,145	1	30	1,573
(d) 20 CFR 411.365; 411.505; 411.515; Selecting a Payment System .....	118	1	30	59
(e) 20 CFR 411.325(d); 411.415; Reporting Referral Agreement .....	48	1	480	384
(f) 20 CFR 411.575; SSA-1391; SSA-1389; SSA-1393; SSA-1399; SSA-1396; SSA-1392; SSA-1398; Requesting EN Payments .....	12,420	1	60	12,420
(f) 20 CFR 411.560; SSA-1401; Split Payment Situations .....	100	1	20	33
(g) 20 CFR 411.325(f); Periodic Outcomes Reporting .....	2,470	1	120	4,940
(h) 20 CFR 411.435; 411.615; 411.625; Dispute Resolutions .....	2	1	120	4

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Total annual burden (hours)
(i) 20 CFR 411.320; ..... SSA-1394; EN Contract Changes .....	202	1	10	34
Totals .....	206,826	.....	.....	110,804

6. *Medical Consultant's Review of Psychiatric Review Technique Form—20 CFR 404.1520a, 404.1640, 404.1643, 404.1645, 416.920a—0960–0677.* Form SSA-3023 is a program evaluation form SSA's regional review component uses to facilitate the contract medical/psychological consultant's review of the Psychiatric Review Technique Form (PRTF). SSA-3023 records the reviewing medical/psychological consultant's assessment of the PRTF. The medical/psychological consultant only completes form SSA-3023 when an adjudicating component's PRT is in the file. SSA requires form SSA-3023 for each PRT form completed. The respondents are medical/psychological consultants who review the Psychiatric Review Technique Form for quality purposes.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 344.

*Frequency of Response:* 165.

*Average Burden per Response:* 12 minutes.

*Estimated Annual Burden:* 11,352 hours.

Dated: August 28, 2009.

**Elizabeth A. Davidson,**

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

[FR Doc. E9-21215 Filed 9-1-09; 8:45 am]

**BILLING CODE 4191-02-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket Number: FTA-2009-0036]

#### Additional Final Guidance on New Starts/Small Starts Policies and Procedures

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Response to comments; final guidance.

**SUMMARY:** The purpose of this notice is to convey additional 2009 final guidance on New Starts/Small Starts policies and procedures. On July 29, 2009, FTA announced in the **Federal Register** the availability of proposed guidance and requested public

comment. FTA received a total of 15 comments from transit agencies, metropolitan planning organizations, labor unions, advocacy groups, and other interested parties. After reviewing the public comments, FTA is issuing final guidance, which is included at the end of this notice.

**DATES:** Unless otherwise stated in this notice, this final guidance is effective September 2, 2009.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Day, Office of Planning and Environment, telephone (202) 366-5159 and Christopher Van Wyk, Office of Chief Counsel, telephone (202) 366-1733. FTA is located at 1200 New Jersey Ave., SE., East Building, Washington, DC 20590. Office hours are from 8:30 a.m. to 5 p.m., EST, Monday through Friday, except Federal holidays.

#### Organization

The proposed guidance issued on July 29, 2009 covered the following three topic areas: (a) Proposed policy changes; (b) clarification to existing policies and procedures; and (c) potential changes to FTA internal practices for managing the New Starts and Small Starts program.

This guidance first presents and responds to comments for area (a), proposed policy changes, for which the following three proposed policy changes are presented: (1) Local financial commitment rating; (2) New Starts and Small Starts "other" factors criteria; and (3) New Starts project planning horizon year. The second section of the guidance presents and responds to comments regarding area (b), clarification to existing policies and procedures, and addresses: (1) Documentation of uncertainties; and (2) alternate ridership and transportation user benefits estimation methods. These responses to comments are provided to further clarify existing policy. The third section of the guidance presents and responds to comments regarding area (c), potential changes to FTA internal practices for managing the New Starts and Small Starts program, specifically, expanded use of pre-award authority and letters of no prejudice (LONPs). The fourth section presents and responds to submitted comments not directly related to any of the three areas covered in the

proposed guidance. Following the responses to comments for each of these areas, the final guidance and a description of changes to FTA internal practices are articulated in full.

#### Proposed Policy Changes—Response to Comments

##### 1. Local Financial Commitment Rating

In the proposed guidance, FTA suggested eliminating the policy of considering the degree to which a project employs innovative contractual agreements in the evaluation and rating of the operating financial plan under the local financial commitment criterion. Specifically, FTA proposed eliminating the policy of increasing the operating financial plan rating when project sponsors provide evidence that the operations and maintenance for the proposed project will be contracted out or when there is evidence that an opportunity had been given for contracting out but the project sponsor had substantive reasons for not doing so.

Of the 15 comments received, 12 expressed general support for the proposal. Of the remaining respondents, two did not directly address the proposal and one expressed concern with the proposal. The latter comment is addressed below.

*Comment:* One respondent noted that public investments in transportation, including New Starts and Small Starts projects, might trigger reimbursement clauses in the public/private contracts of competing infrastructure. For example, a new light rail line may cause automobile commuters to shift from a privately operated toll road to public transit. Depending on the terms of the toll road public/private partnership contract, such a shift could trigger a reimbursement clause. The commenter suggested that the cost of the example light rail line should, therefore, include the cost of reimbursing the private entity operating the example toll road. The respondent encouraged FTA to rethink this proposal to the extent that it would exclude information on the existence of infrastructure privatization terms that would increase the costs of new or improved public transit projects.