

Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>17</sup> which requires that an exchange have rules designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest.

In addition, the Commission finds that the proposal is consistent with Section 12(f) of the Act,<sup>18</sup> which permits an exchange to trade, pursuant to UTP, a security that is listed and registered on another exchange.<sup>19</sup> The Commission notes that it previously approved the listing and trading of the Shares on the Amex.<sup>20</sup> The Commission also finds that the proposal is consistent with Rule 12f-5 under the Act,<sup>21</sup> which provides that an exchange shall not extend UTP to a security unless the exchange has in effect a rule or rules providing for transactions in the class or type of security to which the exchange extends UTP. The Exchange has represented that it meets this requirement because it deems the Shares to be equity securities, thus trading in the Shares will be subject to the Exchange's existing rules governing the trading of equity securities.

The Commission further believes that the proposal is consistent with Section 11A(a)(1)(C)(iii) of the Act,<sup>22</sup> which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.

Finally, the Commission notes that, if the Shares should be delisted by the Amex, the original listing exchange, the Exchange would no longer have authority to trade the Shares pursuant to this order.

impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>17</sup> 15 U.S.C. 78f(b)(5).

<sup>18</sup> 15 U.S.C. 78f(f).

<sup>19</sup> Section 12(a) of the Act, 15 U.S.C. 78f(a), generally prohibits a broker-dealer from trading a security on a national securities exchange unless the security is registered on that exchange pursuant to Section 12 of the Act. Section 12(f) of the Act excludes from this restriction trading in any security to which an exchange "extends UTP." When an exchange extends UTP to a security, it allows its members to trade the security as if it were listed and registered on the exchange even though it is not so listed and registered.

<sup>20</sup> See Amex Order, *supra* note 4.

<sup>21</sup> 17 CFR 240.12f-5.

<sup>22</sup> 15 U.S.C. 78k-1(a)(1)(C)(iii).

In support of this proposal, the Exchange has made the following representations:

1. The Exchange has appropriate rules to facilitate transactions in this type of security in this session.

2. The Exchange's surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange. The Exchange may obtain information via the ISG from other exchanges who are members or affiliates of the ISG, including NYBOT. In addition, to facilitate surveillance, the Exchange represents that trading in the Shares will be subject to Commentary .02(e)(1)-(4) to NYSE Arca Equities Rule 8.200.

3. The Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares.

4. The Exchange will require its ETP Holders to deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction and will note this prospectus delivery requirement in the Information Bulletin.

5. The Exchange will cease trading the Shares of a Fund if: (a) the listing market stops trading the Shares because of a regulatory halt similar to a halt based on NYSE Arca Equities Rule 7.12 or a halt because the IFV or the value of the applicable Index is no longer available at least every 15 seconds; or (b) the listing market delists the Shares.

6. The Exchange will halt trading as provided in NYSE Arca Equities Rule 7.34.

This approval order is conditioned on the Exchange's adherence to these representations.

The Commission finds good cause for approving this proposal before the thirtieth day after the publication of notice thereof in the **Federal Register**. As noted previously, the Commission previously found that the listing and trading of the Shares on the Amex is consistent with the Act.<sup>23</sup> The Commission presently is not aware of any regulatory issue that should cause it to revisit that earlier finding or preclude the trading of the Shares on the Exchange pursuant to UTP. Therefore, accelerating approval of this proposal should benefit investors by creating, without undue delay, additional competition in the market for the Shares.

## V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>24</sup> that the

proposed rule change (SR-NYSEArca-2006-67), as modified by Amendment No. 1 be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>25</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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## SOCIAL SECURITY ADMINISTRATION

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

The Social Security Administration (SSA) publishes a list of information collection packages that will require 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. The information collection packages that may be included in this notice are for new information collections, approval of existing information collections, revisions to OMB-approved information collections, and extensions (no change) 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 on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed, faxed or e-mailed to the individuals at the addresses and fax numbers listed 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, DCFAM, Attn: Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410-965-6400, E-mail address: [OPLM.RCO@ssa.gov](mailto:OPLM.RCO@ssa.gov).

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA

<sup>23</sup> See Amex Order, *supra* note 4.

<sup>24</sup> 15 U.S.C. 78s(b)(2).

<sup>25</sup> 17 CFR 200.30(a)(12).

within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410-965-0454 or by writing to the address listed above.

1. 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. Forms SSA-4513, SSA-4514 and SSA-871 are used to collect data necessary for detailed analysis and evaluation of costs incurred by State Disability

Determination Services in making determinations of disability for SSA. The data are also utilized in determining funding levels for each DDS. Respondents are State DDSs.

*Type of Request:* Extension 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 (minutes)	Estimated annual burden (hours)
SSA-4513 .....	54	4	216	90	324
SSA-4514 .....	54	4	216	90	324
SSA-871 .....	54	4	216	30	108
Totals .....	54	.....	.....	.....	756

2. Subpoena-Disability Hearing—20 CFR 404.916(b)(1) & 416.1416(b)(1)—0960-0428. Form SSA-1272-U4 is completed by State and Federal disability hearing officers (DHOs) to subpoena evidence or testimony in connections with hearings required by the Social Security Act. Actual issuance of the subpoena will be done by that appropriate delegated SSA official. Respondents are DHOs.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 36.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 30 minutes.

3. Summary of Evidence—20 CFR 404.913(b), 404.914(a), 416.1707, 416.1313(b), 416.1414(a)—0960-0430. Form SSA-887 is completed by a DHO from the claimant's State Disability Determination Service (DDS). The DHO summarizes all medical and vocational reports that were used to make the no-disability determination. This form, which is used to prepare for and conduct the disability hearing, is also made available to claimants so that they are aware of the basis for the no-disability decision and they can prepare for the reconsideration accordingly. Respondents are DHOs.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 49,000.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 15 minutes.  
*Estimated Annual Burden:* 12,250 hours.

4. Information About Joint Checking/Savings Accounts—20 CFR 416.1201(b), 416.1208—0960-0461. The SSA-2574 is used to collect information when a Supplemental Security Income (SSI) applicant/recipient objects to the

assumption that he/she owns all or part of the funds in a joint checking or savings account which bears his or her name. Information about the account is collected from both the SSI applicant/recipient and other accountholder(s). These statements regarding ownership are required to determine whether the account is a resource of the SSI claimant. The amount of resources a person owns is one of the factors considered in determining eligibility for SSI. Respondents are applicants and recipients of SSI and individuals who are joint owners of financial accounts with SSI applicants/recipients.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 200,000.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 7 minutes.

*Estimated Annual Burden:* 23,333 hours.

5. Beneficiary Recontact Form—20 CFR 404.703, 404.705—0960-0502. SSA must ensure that eligibility for benefits continues after entitlement. Studies show that mothers/fathers who marry fail to report the marriage and/or the fact that they no longer have a child entitled in their care. SSA uses the SSA-1588-OCR-SM to ask mothers/fathers about their marital status and children in care to detect overpayments and avoid continuing payment to those no longer entitled. Respondents are recipients of survivor mother/father Social Security benefits.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 133,400.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 5 minutes.

*Estimated Annual Burden:* 11,117 hours.

6. Wage Reports and Pension Information—20 CFR 422.122(b)—0960-0547. The information collected through 20 CFR 422.122(b) is used by SSA to identify the requestor of pension plan information and to confirm the individual is entitled to the data SSA provides. Respondents are requestors of pension plan information.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 600.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 30 minutes.  
*Estimated Annual Burden:* 300 hours.

7. SSI Monthly Wage Reporting System—20 CFR 416.701-732—0960-0715.

**Collection Background**

SSI recipients are required to report changes in their income, resources and living arrangements that may affect eligibility or payment amount. Currently, SSI recipients report changes on Form SSA-8150, Reporting Events—SSI, or to an SSA teleservice representative through SSA's toll-free telephone number, or they visit their local Social Security office.

Wages have, historically, been the source of SSI's highest error rate largely due to non-reporting by beneficiaries, deemors, and representative payees. Failure to report changes in wages timely accounts for approximately \$400 million in overpayments each year. Consequently, SSA is evaluating methods for increasing reporting. SSA has tested and determined that given an easily accessible automated format, individuals will increase compliance with reporting responsibilities. Increased timely reporting has resulted in a decrease in improper payments. One of the methods tested, described

below, is the SSI Wage Reporting System.

**Collection Description**

Participants who need to report a change in monthly wages (Comment: There are other forms of earned income that the phone line does not support) will call SSA's toll-free telephone number to report the change. The participants will access SSA's system using knowledge-based authentication (providing name, SSN and date of birth). Participants will speak their report (voice recognition technology) and/or key in the information using the telephone key pad. This automated system will then directly update our records and issue receipts in compliance with Section 202 of the Social Security Protection Act of 2004.

We are requesting permanent authorization of the existing wage reporting system to continue providing an alternative, and more efficient, means by which beneficiaries, their representative payees, and deemors can report wages via a toll-free telephone number. We believe this permanent authorization is necessary to effectively implement national usage of the system and substantially increase the number of reports received via this collection method. Without permanent authorization, we are concerned that an interruption in reporting would prove detrimental to our earlier efforts to recruit and train reporters, would damage the current regularity of reporting, and would considerably mitigate SSA's potential to reduce improper payments resulting from erroneous, or deficient, wage reports. Respondents to this collection are SSI

recipients, deemors and representative payees of recipients who agree to participate in the program.

*Type of Request:* Revision of OMB approval.

*Number of Respondents:* 50,000.

*Frequency of Response:* 12.

*Average Burden Per Response:* 4 minutes.

*Estimated Annual Burden:* 40,000 hours.

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410-965-0454, or by writing to the address listed above.

1. Complaint Form for Allegations of Discrimination in Programs or Activities Conducted by the Social Security Administration—0960-0585. The information collected on form SSA-437 is used by SSA to investigate and formally resolve complaints of discrimination based on race, color, sex, age, religion, disability, sexual orientation, status as a parent, retaliation, and national origin, including limited or no ability with English in any program or activity conducted by SSA. A person who believes that he or she has been discriminated against on any of the above basis may file a written complaint of discrimination. The information will be used to identify the complainant; identify the alleged discriminatory act; ascertain the date of such alleged act; obtain the identity of any individual(s)

with information about the alleged discrimination; and ascertain other relevant information that would assist in the investigation and resolution of the complaint. The respondents are individuals who believe they have been discriminated against by SSA or by SSA's employees, contractors or agents in programs or activities conducted by SSA.

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

*Number of Respondents:* 140.

*Frequency of Response:* 1.

*Average Burden Per Response:* 60 minutes.

*Estimated Annual Burden:* 140 hours.

2. Work Incentives Planning and Assistance Program (formerly the BPAO Program)—0960-0629. Like the Benefits Planning Assistance Outreach (BPAO) program which it replaces, the Work Incentives Planning and Assistance (WIPA) program collects identifying information from the project sites and the community work incentives coordinators. In addition, data are collected from the beneficiaries on background employment, training, benefits and work incentives. SSA is interested in identifying beneficiary outcomes under the WIPA program to determine the extent to which beneficiaries with disabilities achieve their employment, financial and health care goals. The data will also be valuable to SSA in its analysis and future planning for Social Security Disability Insurance and SSI programs.

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

*Estimated Annual Burden:* 5,019 hours.

Respondent	Number of annual responses	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Site .....	147	1	2	5
CWIC .....	422	1	2	14
Beneficiary .....	60,000	1	5	5,000
Totals .....	60,569	.....	.....	5,019

3. Expanded Monitoring Site Review Questionnaire for Volume and Fee for Service Payees (SSA-637); Expanded Monitoring Site Review Beneficiary Interview Form (SSA-639)—20 CFR 404.2035, 404.2065, 416.665, 416.701, 416.708—0960-0633. In situations where a Social Security beneficiary or SSI recipient is incompetent or physically unable to take care of his or her own affairs, SSA may pay Social Security benefits and/or SSI payments

to a relative, another person, or an organization when the best interest of the beneficiary will be served. In certain situations SSA conducts site reviews in order to ensure that payees are carrying out their responsibilities in accordance with representative payment policies and procedures. SSA is also able to identify poor payee performance, uncover misuse and initiate corrective action. Triennial site reviews are conducted for fee-for-service payees and

all volume payees (i.e., organizations serving 100 or more beneficiaries and individuals serving 20 or more beneficiaries). The reviews include a face-to-face meeting with the payee (and appropriate staff), examination/verification of a sample of beneficiary records and supporting documentation, and usually include beneficiary (if competent adult) or custodian (if different from payee) interviews. Forms SSA-637 and SSA-639 are used to

record the information collected during these interviews. The respondents are

certain representative payees and also competent Social Security beneficiaries.  
*Type of Request:* Revision of an OMB-approved information collection.

*Estimated Annual Burden:* 3,538 hours.

Form No.	Number of respondents	Reports annually	Time per response (minutes)	Total hours
SSA-637 .....	1,763	1	75	2,204
SSA-639 .....	8,001	1	10	1,334
Totals .....	9,764	.....	.....	3,538

4. Direct Deposit Sign-Up Form (Country)—31 CFR 210—0960—0686. The SSA-1199 form captures the direct deposit information for an account at a foreign financial institution. Our International Direct Deposit program allows beneficiaries living abroad to have their benefits deposited to an account at a financial institution outside the U.S. Routing account number information varies slightly for each country, so we use a variation of the SF-1199 A (the government standard Direct Deposit Sign-Up Form) for each country. The respondents are Social Security beneficiaries residing abroad.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 5,000.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 5 minutes.  
*Estimated Annual Burden:* 417 hours.

5. Certification of Prisoner Identity Information—20 CFR 422.107—0960—0688. When a valid agreement is in place, prison officials verify the identity of certain incarcerated U.S. citizens who need replacement Social Security cards. Information the prison officials provide will be taken from the official prison files and will be transcribed on their letterhead. This information will be used to establish the applicant's identity in the Social Security card process. The respondents are prison officials that certify identity of prisoners applying for replacement Social Security cards.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 1,000.  
*Frequency of Response:* 200.  
*Average Burden Per Response:* 3 minutes.  
*Estimated Annual Burden:* 10,000 hours.

6. Claimant Statement about Loan of Food or Shelter; Statement about Food or Shelter Provided to Another—20 CFR 416.1130-416.1148—0960-0529. Forms SSA-5062 and SSA-L5063 are used to obtain statements about food and/or shelter provided to an SSI claimant or recipient. SSA uses this information to determine whether food and/or shelter are bona fide loans or should be counted as income for SSI purposes. This determination can affect eligibility for SSI and the amount of SSI benefits payable. The respondents are claimants/recipients for SSI benefits and individuals that provide loans of food and/or shelter to SSI claimants/recipients.

*Type of Request:* Revision of an OMB-approved information collection.  
*Estimated Annual Burden:* 21,846 hours.

Collections	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
SSA-5062 .....	65,540	1	10	10,923
SSA-L5063 .....	65,540	1	10	10,923
Totals .....	131,080	.....	.....	21,846

7. Internet Direct Deposit Application—31 CFR 210—0960—0634. SSA uses Direct Deposit/Electronic Funds Transfer (DD/EFT) enrollment information received from beneficiaries to facilitate DD/EFT of their Social Security benefits with a financial institution. Respondents are Social Security beneficiaries who use the Internet to enroll in DD/EFT.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 80,000.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 10 minutes.  
*Estimated Annual Burden:* 13,333 hours.

8. Farm Self-Employment Questionnaire—20 CFR 404.1095—0960-0061. Section 211(a) of the Social

Security Act requires the existence of a trade or business as a prerequisite for determining whether an individual or partnership may have "net earnings from self-employment." Form SSA-7156 elicits the information necessary to determine the existence of an agricultural trade or business and subsequent covered earnings for Social Security entitlement purposes. The respondents are applicants for Social Security benefits, whose entitlement depends on whether the worker has covered earnings from self-employment as a farmer.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 47,500.  
*Frequency of Response:* 1.

*Average Burden Per Response:* 10 minutes.  
*Estimated Annual Burden:* 7,917 hours.

Dated: March 19, 2007.  
**Elizabeth A. Davidson,**  
*Reports Clearance Officer, Social Security Administration.*  
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