

routing option orders for members of the Exchange.<sup>5</sup>

With this filing, the Exchange proposes that Archipelago Securities act as a marketing agent on behalf of the Index and the ETF and provide reasonable services attendant thereto. This proposed business activity has no connection to Archipelago Securities' facility functions described above. As marketing agent for the Index and the ETF, Archipelago Securities will develop a marketing plan designed to advertise, promote, and increase public awareness of the Index and the ETF within the financial services industry and investing public ("Marketing Plan"), including: branding, promotional activities, development and design of marketing materials, collateral and media campaigns (*i.e.*, electronic media, print media, Internet, etc.), and hosting a Web site for the ETF. Pursuant to this Marketing Plan, Archipelago Securities has drafted and expects to imminently execute an agreement with B.C. Zeigler and Company to provide the foregoing services for a period of one (1) year and renewable, upon agreement of both parties, annually thereafter.

## 2. Statutory Basis

The proposed rule change is consistent with Section 6(b)<sup>6</sup> of the Act, in general, and furthers the objectives of Section 6(b)(8)<sup>7</sup> of the Act, in particular, in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to

90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

## 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 No. SR-NYSEArca-2007-09 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSEArca-2007-09. 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. 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-NYSEArca-2007-09 and

should be submitted on or before March 2, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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## SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2007-0010]

### Privacy Act of 1974, as Amended; Computer Matching Program (SSA/ Department of the Treasury, Internal Revenue Service (IRS))—Match 1310

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of amended computer matching program, which is expected to begin March 27, 2007.

**SUMMARY:** In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct with the IRS.

**DATES:** SSA will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

**ADDRESSES:** Interested parties may comment on this notice by either telefax to (410) 965-8582 or writing to the Associate Commissioner, Office of Income Security Programs, 252 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401. All comments received will be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** The Associate Commissioner for Income Security Programs as shown above.

### SUPPLEMENTARY INFORMATION:

#### A. General

The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503) amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and by adding certain protections for individuals applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of

<sup>5</sup> See Securities Exchange Act Release No. 54238 (July 28, 2006), 71 FR 44758 (August 7, 2006) (SR-NYSEArca-2006-13).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(8).

<sup>8</sup> 17 CFR 200.30-3(a)(12).

1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records.

It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the Data Integrity Board's approval of the match agreements;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

#### **B. SSA Computer Matches Subject to the Privacy Act**

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: February 2, 2007.

**Martin H. Gerry,**

*Deputy Commissioner for Disability and Income Security Programs.*

#### **Notice of Computer Matching Program, Social Security Administration (SSA) With Internal Revenue Service (IRS)**

##### *A. Participating Agencies*

SSA and IRS

##### *B. Purpose of the Matching Program*

The purpose of this matching program is to establish the correct amount of Medicare Part B premium subsidy adjustment under section 1839(i) of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA). Pursuant to section 1839(i) of the MMA (42 U.S.C. 1395r), SSA shall determine whether a Medicare Part B enrollee would pay a larger percentage of the Part B premium than an individual with income below the applicable threshold. The agreement has been amended to include individuals who have not dis-enrolled from Medicare Part B, and those who have filed applications specifically for Medicare Part B.

##### *C. Authority for Conducting the Matching Program*

Section 6103(l)(20) of the Internal Revenue Code (26 U.S.C. 6103(l)(20)) authorizes the IRS to disclose return information with respect to Modified Adjusted Gross Income (MAGI) to SSA for the purpose of adjusting the usual Part B premium subsidy for Medicare beneficiaries with MAGI above the applicable threshold. Section 1839(i) of the MMA requires the Commissioner of SSA to determine the amount of an individual's Part B premium if the MAGI is above the applicable threshold for an individual or a married couple as established in section 1839(i)(2)(A) of the Act.

##### *D. Categories of Records and Individuals Covered by the Matching Program*

SSA will provide the IRS with identifying information with respect to individuals who are eligible for Medicare Part B, but have not yet enrolled, and individuals who are enrolled for Medicare Part B from the Master Beneficiary Record system of records, SSA/ORSIS 60-0090, originally published at 60 FR 2144 (January 6, 1995) and as revised at 71 FR 1826 (January 11, 2006). MAGI data provided by the IRS will be maintained in the Medicare Database system of records, SSA/ORSIS 60-0321, published at 69 FR 77816 (December 28, 2004), revised at 71 FR 42159 (July 25, 2006). IRS will extract return information with respect to MAGI from the Return Transaction File, which is a part of the Individual Returns, Adjustments and Miscellaneous Documents File, Treasury/IRS 22.034, as published at 66 FR 63794 (December 10, 2001).

##### *E. Inclusive Dates of the Matching Program*

The matching program will become effective no sooner than 40 days after notice of the matching program is sent to Congress and OMB, or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

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## **DEPARTMENT OF STATE**

[Public Notice 5687]

### **30-Day Notice of Proposed Information Collection: DS 3072, Emergency Loan Application and Evacuation Documentation, OMB Control Number 1405-0150**

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- Title of Information Collection: Emergency Loan Application and Evacuation Documentation
- OMB Control Number: OMB Control Number 1405-0150.
- Type of Request: Revision of a Currently Approved Collection.
- Originating Office: Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- Form Number: DS 3072.
- Respondents: Individuals.
- Estimated Number of Respondents: 1000.
- Estimated Number of Responses: 1000.
- Average Hours Per Response: 10 minutes.
- Total Estimated Burden: 166 hours.
- Frequency: On Occasion.
- Obligation to Respond: Required to Obtain or Retain a Benefit.

**DATES:** Submit comments to the Office of Management and Budget (OMB) for up to 30 days from February 9, 2007.

**ADDRESSES:** Direct comments and questions to Katherine Astrich, the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB), who may be reached at 202-395-4718. You may submit comments by any of the following methods:

- E-mail: [kastrich@omb.eop.gov](mailto:kastrich@omb.eop.gov). You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- Mail (paper, disk, or CD-ROM submissions): Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503.
- Fax: 202-395-6974

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information regarding the collection listed in this notice, including requests