

transactions in securities. Quotation and last-sale information for the Shares will be available via the Consolidated Tape Association ("CTA") high-speed line, and the Portfolio Indicative Value ("PIV") will be disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors. In addition, the Trust will disclose on its Web site on each business day the identities and quantities of the portfolio of securities and other assets ("Disclosed Portfolio") held by the Fund that will form the basis for its calculation of the net asset value ("NAV"), which will be determined at the end of the business day. The Fund's Web site will also include additional quantitative information updated on a daily basis relating to prices and NAV. Information regarding the market price and volume of the Shares will be continually available on a real-time basis throughout the day via electronic services, and the previous day's closing price and trading volume information for the Shares will be published daily in the financial sections of newspapers.

The Commission further believes that the proposal is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Exchange will obtain a representation from the Fund that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.<sup>12</sup> Additionally, if it becomes aware that the NAV or the Disclosed Portfolio is not disseminated daily to all market participants at the same time, the Exchange will halt trading in the Shares until such information is available to all market participants.<sup>13</sup> Further, if the PIV is not being disseminated as required, the Exchange may halt trading during the day in which the disruption occurs; if the interruption persists past the day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.<sup>14</sup> The Exchange represents

that the Fund's investment manager has implemented a "fire wall" between it and its broker-dealer affiliate with respect to access to information concerning the composition and/or changes to the Fund's portfolio.<sup>15</sup> Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the portfolio.<sup>16</sup>

The Exchange has deemed the Shares to be equity securities subject to the Exchange's rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange's surveillance procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable Federal securities laws.

(3) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares and that Shares are not individually redeemable; (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (d) how information regarding the PIV is disseminated; (e) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(4) The Funds will be in compliance with Rule 10A-3 under the Act.

(5) The Funds will not invest in non-U.S. equity securities.

<sup>15</sup> The Exchange also represents that neither RiverPark Advisors, LLC nor Cohanzyck Management, LLC, the Fund's sub-advisers, have broker-dealer affiliates, and that any additional Fund sub-advisers that are affiliated with a broker-dealer will be required to implement a fire wall with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the portfolio.

<sup>16</sup> See NYSE Arca Equities Rule 8.600(d)(2)(B)(ii).

This approval order is based on the Exchange's representations.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,<sup>17</sup> for approving the proposal prior to the thirtieth day after the date of publication of the Notice in the **Federal Register**. The Commission notes that it has approved the listing and trading on the Exchange of shares of other actively managed exchange-traded funds based on a portfolio of securities,<sup>18</sup> including other series of the Grail Advisors ETF Trust,<sup>19</sup> and that the proposed rule change does not raise any novel regulatory issues. The Commission also notes that it has received no comments regarding the proposed rule change, and believes that accelerating approval of this proposal should benefit investors by creating, without undue delay, additional competition in the market for Managed Fund Shares.

### III. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>20</sup> that the proposed rule change (SR-NYSEArca-2009-103) be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-30243 Filed 12-18-09; 8:45 am]

**BILLING CODE 8011-01-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

<sup>17</sup> 15 U.S.C. 78s(b)(2).

<sup>18</sup> See, e.g., Securities Exchange Act Release No. 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR-NYSEArca-2009-79) (approving the listing of five fixed income funds of the PIMCO ETF Trust).

<sup>19</sup> See, e.g., Securities Exchange Act Release No. 60717 (September 24, 2009), 74 FR 50853 (October 1, 2009) (NYSEArca-2009-74) (approving the listing and trading of shares of RP Growth ETF, RP Focused Large Cap Growth ETF, RP Technology ETF and the RP Financials ETF).

<sup>20</sup> 15 U.S.C. 78s(b)(2).

<sup>21</sup> 17 CFR 200.30-3(a)(12).

<sup>12</sup> See NYSE Arca Equities Rule 8.600(d)(1)(B).

<sup>13</sup> See NYSE Arca Equities Rule 8.600(d)(2)(D).

<sup>14</sup> *Id.* Trading in the Shares may also be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities comprising the Disclosed Portfolio and/or the financial instruments of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

Public Law (Pub. L.) 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions to 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 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\\_Submion@omb.eop.gov](mailto:OIRA_Submion@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).

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 February 19, 2010. Individuals can obtain copies of the collection instrument by calling the SSA Director for Reports Clearance at 410–

965–0454 or by writing to the above e-mail address.

1. *Claimant Statement about Loan of Food or Shelter; Statement about Food or Shelter Provided to Another—20 CFR 416.1130–416.1148—0960–0529.* SSA uses Forms SSA–5062 and SSA–L5063 to obtain statements about food and/or shelter provided to SSI claimants or recipients. 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 a claimant's or recipient's eligibility for SSI and the amount of SSI payments. The respondents are claimants and recipients of SSI payments and individuals who provide food or shelter loans to them.

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

*Number of Respondents:* 131,080.

*Frequency of Response:* 1.

*Average Burden Per Response:* 10 minutes.

*Estimated Annual Burden:* 21,846 hours.

2. *Direct Deposit Sign-Up Form (Country)—31 CFR 210–0960–0686.* SSA's International Direct Deposit Program allows beneficiaries living abroad to have their payments directly deposited to an account at a financial institution outside the United States. SSA uses Form SSA–1199 to obtain the direct deposit information for an account at a foreign financial institution. Routing account number information varies slightly for each foreign country, so we use a variation of the Department of Treasury's Form SF–1199A for each country. The respondents are Social Security

beneficiaries residing abroad who wish to have their benefit payments directly deposited to a foreign financial institution.

*Type of Request:* Revision 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.

3. *Temporary Extension of Attorney Fee Payment System to Title XVI; 5-Year Demonstration Project Extending Fee Withholding and Payment Procedures to Eligible Non-Attorney Representatives; Definition of Past-Due Benefits; and Assessment for Fee Payment Services—20 CFR 404.1717, 404.1730(c)(1), 404.1730(c)(2)(i), 404.1730(c)(2)(ii), 416.1517, 416.1528(a), 416.1530(c)(1), 416.1530(c)(2)(i), 416.1530(c)(2)(i)—OMB No. 0960–0745.* Section 302 of the Social Security Protection Act of 2004 (SSPA), Public Law 108–203, amended section 1631(d)(2) of the Social Security Act to temporarily extend the Title II attorney fee withholding and direct payment process to Title XVI. Section 303 of the SSPA directs SSA to conduct a 5-year nationwide demonstration project to allow qualifying non-attorneys the option of fee withholding and direct payment of fees under both Titles II and XVI. SSA uses the information to administer fee withholding and direct payment to certain non-attorney representatives. Respondents are non-attorneys who are eligible to receive direct payment of fees for representing individuals before SSA.

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

| Regulation section       | Number of respondents | Frequency of response | Average burden per response (minutes) | Estimated annual burden (hours) |
|--------------------------|-----------------------|-----------------------|---------------------------------------|---------------------------------|
| 404.1730(c)(2)(i) .....  | 841                   | 10/year .....         | 30                                    | 4,205                           |
| 404.1730(c)(2)(ii) ..... | 600                   | 1 .....               | 3                                     | 30                              |
| 416.1530(c)(2)(i) .....  | 561                   | 10/year .....         | 30                                    | 2,805                           |
| 416.1530(c)(2)(ii) ..... | 400                   | 1 .....               | 3                                     | 20                              |
| Totals .....             | 2,402                 | .....                 | .....                                 | 7,060                           |

II. SSA has submitted the information collections listed 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 January 20, 2010. You can obtain a copy of the OMB clearance packages by calling the SSA Director for

Reports Clearance at 410–965–0454 or by writing to the above e-mail address.

1. *Authorization for the Social Security Administration to Obtain Account Records from a Financial Institution and Request for Records—20 CFR 416.200, 416.203—0960–0293.* Individuals must authorize financial institutions to disclose records to SSA by signing an SSA–4641–U2. Financial institutions use the form to provide

financial information to SSA. We need the information if an individual's records are incomplete, unavailable, or appear altered. SSA must verify the existence, ownership, and value of accounts of SSI applicants, recipients, and deemors. We use the financial institution's report, in part, to determine whether the respondent meets SSI resource eligibility requirements. The respondents are SSI applicants',

recipients', or deemors' financial institutions.

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

| Modality          | Number of responses | Frequency of response | Average burden per response (minutes) | Total annual burden (hours) |
|-------------------|---------------------|-----------------------|---------------------------------------|-----------------------------|
| SSA-4641-U2 ..... | 320,000             | 1                     | 6                                     | 32,000                      |
| e4641 .....       | 180,000             | 1                     | 6                                     | 18,000                      |
| Total .....       | 500,000             | .....                 | .....                                 | 50,000                      |

*This is a correction notice:* SSA is updating burden information for this collection initially published at 74 FR 39728 on August 7, 2009.

2. *The Ticket to Work and Self-Sufficiency Program—20 CFR 411—0960–0644.* Through its Ticket to Work Program Manager, SSA uses the information to operate and manage the Ticket to Work Program. SSA uses the Ticket to Work Program to assign Social Security Disability Insurance (SSDI) or SSI recipients 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 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 recipients and their employment networks, or State vocational rehabilitation agencies assigned under the auspices of the Ticket to Work Program.

*Correction Notice: 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 .....                                                    | 12,330                | 1                     | 60                                    | 12,330                      |
| (a) 20 CFR 411.140(d)(3); 411.150(b)(3); 411.325(a); SSA-1370 .....                                                    | 1,370                 | 1                     | 60                                    | 1,370                       |
| (a) 20 CFR 411.166; 411.170(b); Electronic Data Sharing .....                                                          | 35,584                | 1                     | 5                                     | 2,965                       |
| (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                     | 30                                    | 6,210                       |
| (f) 20 CFR 411.575; SSA-1392; EN Payment Status Report Request .....                                                   | 100                   | 1                     | 5                                     | 8                           |
| (f) 20 CFR 411.560; 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                           |
| (i) 20 CFR 411.320; SSA-1394; EN Contract Changes .....                                                                | 202                   | 1                     | 10                                    | 34                          |
| Totals .....                                                                                                           | 206,926               | .....                 | .....                                 | 63,502                      |

This is a correction notice: SSA is updating burden information for this collection initially published at 74 FR 39728 on August 7, 2009.

3. *Non-Attorney Representative Demonstration Project Application—20 CFR 404.1745–404.1799 and 20 CFR 416.1545–416.1599—0960–0699.* Section 303 of the SSPA provides for a 5-year demonstration project under which SSA extends the direct payment of approved fees to certain non-attorney claimant representatives. Under the SSPA, to be eligible for direct payment

of fees, a non-attorney representative must fulfill the following statutory requirements: (1) Possess a bachelors degree or have equivalent qualifications from training and work experience; (2) pass an examination that tests knowledge of the relevant provisions of the Social Security Act; (3) secure professional liability insurance or equivalent insurance; (4) pass a criminal background check; and (5) demonstrate completion of relevant continuing education courses. Through the services

of a private contractor, SSA must collect the requested information to determine if a non-attorney representative has met the statutory requirements to be eligible for direct payment of fees for his or her claimant representation services. SSA needs this information to comply with the legislation. The respondents are non-attorney representatives who apply for direct payment of fees.

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

*Number of Respondents:* 700.

| Modality of completion                       | Number of respondents | Frequency of response | Response time (minutes) | Total annual burden (hours) |
|----------------------------------------------|-----------------------|-----------------------|-------------------------|-----------------------------|
| New Applicants (paper submission) .....      | 20                    | 1                     | 60                      | 20                          |
| New Applicants (electronic submission) ..... | 180                   | 1                     | 60                      | 180                         |
| Existing Applicants CE Submission .....      | 500                   | 1                     | 30                      | 250                         |
| Totals .....                                 | 700                   | .....                 | .....                   | 450                         |

This is a correction notice: SSA is updating burden information for this collection initially published at 74 FR 48795 on September 24, 2009.

Dated: December 15, 2009.

**Elizabeth A. Davidson,**

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

[FR Doc. E9-30227 Filed 12-18-09; 8:45 am]

**BILLING CODE 4191-02-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Applications of Caribbean Sun Airlines, Inc. for Certificate Authority

**AGENCY:** Department of Transportation.

**ACTION:** Notice of Order to Show Cause (Order 2009-12-8). Docket DOT-OST-2001-11164 and DOT-OST-2001-11198.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not (1) issue an order finding Caribbean Sun Airlines, Inc., fit, willing, and able, and to resume foreign scheduled air transportation of persons, property and mail, using one large aircraft.

**DATES:** Persons wishing to file objections should do so no later than December 29, 2009.

**ADDRESSES:** Objections and answers to objections should be filed in Dockets DOT-OST-2001-11164 and DOT-OST-2001-11198 and addressed to U.S. Department of Transportation, Docket Operations, (M-30, Room W12-140), 1200 New Jersey Avenue, SE., West Building Ground Floor, Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Catherine J. O'Toole, Air Carrier Fitness Division (X-56, Room W86-489), U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-9721.

Dated: December 14, 2009.

**Susan Kurland,**

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. E9-30229 Filed 12-18-09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending December 5, 2009

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (*See* 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2009-0319.

*Date Filed:* December 2, 2009.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* December 23, 2009.

#### *Description:*

Application of Aviation Matters, Inc. d/b/a Pacificflir requesting an exemption and a foreign air carrier permit to provide non-scheduled foreign air transportation of persons, property and mail from any point or points behind the Republic of Palau and Brisbane, Australia, via the Republic of Palau and Brisbane, Australia, via intermediate points to Guam and beyond.

*Docket Number:* DOT-OST-1997-2155.

*Date Filed:* December 2, 2009.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* December 23, 2009.

#### *Description:*

Application of Arctic Transportation Systems, Inc. requesting reissuance of its certificate of Public convenience and necessity in the name of Ryan Air, Inc.

**Renee V. Wright,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. E9-30231 Filed 12-18-09; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Air Traffic Procedures Advisory Committee

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**SUMMARY:** The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, revision, clarification, and upgrading of terminology and procedures.

**DATES:** The meeting will be held Tuesday, January 12, and Wednesday January 13, 2010 from 8:30 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the Rancho Bernardo Inn, 17550 Bernardo Oaks Dr., San Diego, CA 92128.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Jehlen, ATPAC Executive Director, 800 Independence Avenue, SW., Washington, DC 20591. Telephone (202) 493-4527.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App.2), notice is hereby given of a meeting of the ATPAC to be held Tuesday, January 12, and Wednesday, January 13, 2010, from 8:30 a.m. to 5 p.m.

The agenda for this meeting will cover a continuation of the ATPAC's review of present air traffic control procedures