

procedures will improve the opportunities for an order to be exposed to a competitive auction and represent an improvement over the current rules. The fact that the parties to such a trade end up fully hedged may contribute to the best execution of the orders and, in any event, participants continue to be governed by, among other things, their best execution responsibilities. The Exchange also believes that the proposed tied hedge procedures are fully consistent with the original design of Rule 6.49 which, as discussed above, was designed to eliminate the unfairness that can be associated with a solicited transaction and to encourage meaningful competition. The tied hedge procedures will keep in-crowd market participants on equal footing with solicited parties in a manner that minimizes all parties' market risk while continuing to assure that orders are exposed in a meaningful way.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act<sup>23</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest, as it will improve the opportunities for an order to be exposed to a competitive auction and represent an improvement over the current rules and will keep in-crowd market participants on equal footing with solicited parties in a manner that minimizes all parties' market risk while continuing to assure that orders are exposed in a meaningful way.

### 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

No written comments were solicited or received with respect to the proposed rule change.

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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>24</sup> and Rule 19b-4(f)(6) thereunder.<sup>25</sup> Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>26</sup> and Rule 19b-4(f)(6)(iii) thereunder.<sup>27</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-NYSEArca-2009-112 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-NYSEArca-2009-112. This

<sup>24</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>25</sup> 17 CFR 240.19b-4(f)(6).

<sup>26</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>27</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied the pre-filing requirement.

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 publicly available. All submissions should refer to File Number SR-NYSEArca-2009-112 and should be submitted on or before January 8, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>28</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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## SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2009-0042]

### Privacy Act of 1974, as Amended; Computer Matching Program (Social Security Administration/Department of Homeland Security (DHS)—Match #1010

**AGENCY:** Social Security Administration.

**ACTION:** Notice of a renewal of an existing computer matching program which will expire on January 31, 2010.

**SUMMARY:** In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program we currently conduct with DHS.

<sup>28</sup> 17 CFR 200.30-3(a)(12).

<sup>23</sup> 15 U.S.C. 78f (b).

**DATES:** We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and 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 telefaxing to (410) 965-0201 or writing to the Deputy Commissioner for Budget, Finance and Management, 800 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 Deputy Commissioner for Budget, Finance and Management as shown above.

**SUPPLEMENTARY INFORMATION:**

**A. General**

The Computer Matching and Privacy Protection Act (CMPPA) of 1988 (Public Law (Pub. L.) 100-503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such persons.

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 other agency or agencies participating in the matching programs;

(2) Obtain the approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(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 a person's benefits or payments.

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

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

Dated: December 1, 2009.

**Michael G. Gallagher,**

*Deputy Commissioner for Budget, Finance and Management.*

**NOTICE OF COMPUTER MATCHING PROGRAM, SSA WITH DHS**

**A. PARTICIPATING AGENCIES:**

SSA and DHS.

**B. PURPOSE OF THE MATCHING PROGRAM:**

The purpose of this matching program is to establish conditions, safeguards, and procedures for disclosure of information relating to aliens for matching purposes by DHS and us. DHS will disclose two separate data files through a computer matching operation for our use in making Federal benefit eligibility determinations for "Aliens Who Leave the United States Voluntarily" and "Aliens Who are Removed from the United States."

**C. AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:**

Legal authority for this matching operation is the Social Security Act (Act), 42 U.S.C. 402(n), 1382(f) and 1382c(a)(1), and the Immigration and Nationality Act (INA), 8 U.S.C. 1611 and 1612. Section 1631(e)(1)(B) of the Act, requires us to verify declarations of applicants for and recipients of Supplemental Security Income (SSI) payments before making a determination of eligibility or payment amount. Section 1631(f) of the Act requires Federal agencies to provide us with information necessary to verify SSI eligibility or benefit amounts or to verify other information related to these determinations.

In addition, section 202(n)(2) of the Act, specifies that the "Attorney General or the Secretary of Homeland Security notify the Commissioner of Social Security" when certain individuals are removed under specified provisions of section 237(a) or under section 212(a)(6)(A) of the INA.

It is executed under the Privacy Act of 1974, 5 U.S.C. 552a, as amended by the CMPPA of 1988, and the regulations and guidance promulgated thereunder.

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

**1. Aliens Who Leave the United States Voluntarily:**

The DHS identifies for us, aliens who leave the United States voluntarily by their Benefits Information System (BIS), DHS/USCIS-007. Our systems of records used in this portion of the matching program are the Master Files of Social Security Number (SSN) Holders and SSN Applications, also known as the NUMIDENT, SSA/OEEAS 60-0058 and the Supplemental Security Income Record and Special Veterans Benefits (SSIR/SVB), also known as the SSR, SSA/OASSIS 60-0103.

BIS furnishes the alien's name, SSN, date of birth (DOB), alien identification number, ("A" number), date of departure, and expected length of stay. To verify the SSN, BIS data will be matched against the names, DOB, and SSNs of our Numident and Alpha Index files. Verified SSNs will be stored and matched against the same elements in SSA's SSR files.

**2. Aliens Who Are Removed From the United States:**

DHS identifies for us, aliens who are removed from the United States from their Removable Alien Records System (RARS) (DHS/ICE-011). Immigration and Customs Enforcement now maintains information on removed aliens in the Enforcement Integrated Database (EID). Our systems of records used in this portion of the matching program are the NUMIDENT, SSA/OEEAS 60-0058, the Master Beneficiary Record (MBR), SSA/OEEAS 60-0090, and the SSR, SSA/OASSIS 60-0103. The Unverified Prisoner System (UPS) is now used to do a manual search of fallout cases where the Enumeration and Verification System is unable to locate an SSN for an alien deportee. New alien screens and software were created for those deported from the United States and made part of the UPS process. No changes were made to the function of the system.

RARS, EID furnishes the names and aliases (if any) of those removed, SSN (if available), DOB, sex, country of birth, country to which removed, date of removal, the final removal charge code and DHS "A" number. To verify the SSN, RARS data will be matched against SSA's Numident and Alpha-Index files (SSA/OEEAS 60-0058). Verified SSNs are matched against the existing MBR and SSR records to locate those removed (and their dependents or survivors, if any) who have already

claimed and are currently receiving RSDI and/or SSI benefits.

*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 TRANSPORTATION

### Federal Transit Administration

#### American Recovery and Reinvestment Act Public Transportation on Indian Reservations Program Project Selections and Tribal Transit Program Fiscal Year (FY) 2009 Project Selections

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

**ACTION:** Notice of award.

**SUMMARY:** The Federal Transit Administration (FTA) announces the selection of projects to be funded under the American Recovery and Reinvestment Act (ARRA) for the Public Transportation on Indian Reservations Program (Tribal Transit Program (TTP)), and Fiscal Year (FY) 2009 appropriations for the Tribal Transit Program, a program authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 3013(c).

**FOR FURTHER INFORMATION CONTACT:** Contact the appropriate FTA regional Tribal Liaison (Appendix), for application-specific information and issues. For general program information, contact Lorna R. Wilson, Office of Transit Programs, at (202) 366-2053, e-mail: [Lorna.Wilson@dot.gov](mailto:Lorna.Wilson@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS).

**SUPPLEMENTARY INFORMATION:** The Tribal Transit Program (TTP) established by Section 3013 SAFETEA-LU, Public Law 109-49 (August 15, 2005), under 49 U.S.C. 5311(c) makes funds available to federally recognized Indian tribes or Alaska Native villages, groups, or communities as identified by the Bureau of Indian Affairs (BIA) in the U.S. Department of the Interior for public transportation capital projects, operating

costs and planning activities that are eligible costs under the Nonurbanized Area Formula Program (Section 5311). The ARRA TTP funding may be used only for capital expenditures.

**Awards:** A total of \$17 million was made available for the TTP program under ARRA. A total of 71 applicants requested \$54 million for capital projects. FTA made project selections through a competitive process based on each applicant's responsiveness to the program evaluation criteria outlined in FTA's March 23, 2009 **Federal Register** Notice. A total of 39 of the highest rated projects have been selected for funding. The 39 successful applicants are listed in Table 1 of this Notice.

A total of \$15 million was made available for FY 2009 Tribal Transit program. A total of 81 applicants requested \$28 million for new transit services, enhancement or expansion of existing transit services, and planning studies including operational planning. FTA made project selections through a competitive process based on each applicant's responsiveness to the program evaluation criteria outlined in FTA's April 29, 2009, **Federal Register** Notice. FTA also took into consideration the current status of previously funded TTP grantees. Because of the high demand, many applicants selected for funding will receive less funding than they requested, which enables FTA to support an increased number of meritorious applications. A total of 63 applications have been selected for funding. The projects provide \$15 million to 61 tribes, for transit planning studies and/or operational planning (\$250,000); startup projects for new transit service (\$1.5 million); and for enhancements or expansion of existing transit services (\$13.25 million).

**Special Requirements Under ARRA Tribal Transit Program:** ARRA funding must be obligated in a grant by June 30, 2010. FTA reserves the right to redistribute funds not obligated by the June 30, 2010 date to other successful applicants that have obligated their ARRA TTP funds. Any tribe receiving ARRA funds must also abide by the special reporting requirements under ARRA which includes:

Section 1511: Certifications.  
Section 1512: Reports on Use of Funds.  
Section 1512(h): Registration.  
Section 1201(c)(2): Periodic Reports.

Each of the 102 awardees, as well as the applicants not selected for funding, will receive a letter explaining the funding decision. Following publication of this Notice, an FTA regional tribal liaison will contact each applicant selected for funding to discuss each

tribe's specific technical assistance needs. FTA will also host a special ARRA reporting webinar shortly after the publication of this Notice. In the event the contact information provided by your tribe in the application has changed, please contact your tribal liaison with the current information in order to expedite the grant award process.

Issued in Washington, DC, this 15th day of December 2009.

**Peter M. Rogoff,**  
Administrator.

#### Appendix—FTA Regional Offices and Tribal Transit Liaisons

Region I—Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont and Maine—Richard H. Doyle, FTA Regional Administrator, Volpe National Transportation Systems Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, Phone: (617) 494-2055, Fax: (617) 494-2865, Regional Tribal Liaison(s): Laurie Ansaldi and Judi Molloy.

Region II—New York, New Jersey—Brigid Hynes-Cherin, FTA Regional Administrator, One Bowling Green, Room 429, New York, NY 10004-1415, Phone: (212) 668-2170, Fax: (212) 668-2136, Regional Tribal Liaison: Darin Allan.

Region III—Pennsylvania, Maryland, Virginia, West Virginia, Delaware, Washington, DC, Letitia Thompson, FTA Regional Administrator, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Phone: (215) 656-7100, Fax: (215) 656-7260. (NO TRIBES)

Region IV—Georgia, North Carolina, South Carolina, Florida, Mississippi, Tennessee, Kentucky, Alabama, Puerto Rico, Virgin Islands—Yvette G. Taylor, FTA Regional Administrator, 230 Peachtree St., NW., Suite 800, Atlanta, GA 30303, Tel.: 404-865-5600, Fax: 404-865-5600, Regional Tribal Liaisons: Jamie Pfister and Tajsha LaShore.

Region V—Illinois, Indiana, Ohio, Wisconsin, Minnesota, Michigan—Marisol R. Simon, FTA Regional Administrator, 200 West Adams Street, Suite 320, Chicago, IL 60606-5232, Phone: (312) 353-2789, Fax: (312) 886-0351, Regional Tribal Liaisons: Joyce Taylor and Angelica Salgado.

Region VI—Texas, New Mexico, Louisiana, Arkansas, Oklahoma—Robert Patrick, FTA Regional Administrator, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Phone: (817) 978-0550, Fax: (817) 978-0575, Regional Tribal Liaison: Lynn Hayes.

Region VII—Iowa, Nebraska, Kansas, Missouri—Mokhtee Ahmad, FTA Regional Administrator, 901 Locust Street, Suite 404, Kansas City, MO 64106, Phone: (816) 329-3920, Fax: (816) 329-3921, Regional Tribal Liaisons: Joni Roeseler and Cathy Monroe.

Region VIII—Colorado, North Dakota, South Dakota, Montana, Wyoming, Utah—Terry Rosapep, FTA Regional Administrator, 12300 West Dakota Avenue, Suite 310, Lakewood, CO 80228-2583, Phone: (720) 963-3300, Fax: (720) 963-3333, Regional Tribal Liaisons: Jennifer Stewart and David Beckhouse.