

information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. Nasdaq Rule 4420(j)(1)(B)(iv) requires daily public Web site disclosure of its portfolio holdings including, as applicable, the identity and number of shares held of each specific equity security, the identity and amount held of each fixed income security, the specific types of Financial Instruments and characteristics of such instruments, and cash equivalents and the amount of cash held in the portfolio of a fund. With respect to such Financial Instruments, the Commission notes that a notification procedure will be implemented by the Exchange so that timely notice from the investment adviser of such Multiple or Inverse Fund is received by the Exchange when a particular Financial Instrument is in default or shortly to be in default. The Commission also notes that the Exchange would be required to halt trading if Nasdaq becomes aware that the NAV or the identities and quantities of the portfolio of securities and other assets with respect to a Fund Share is not disseminated to all market participants at the same time.

In addition, the Commission notes that the Exchange's suitability requirements would apply to the trading of Multiple Fund Shares and Inverse Fund Shares. Specifically, prior to commencement of trading, the Exchange will issue an Information Circular to its members and member organizations providing guidance with regard to member firm compliance responsibilities (including suitability obligations) when effecting transactions in the Fund Shares and highlighting the special risks and characteristics of Funds Shares as well as applicable Exchange rules.

In sum, the Commission believes that the Exchange's proposed amendments to Nasdaq Rule 4420(j) relating to the listing and trading of Multiple Fund Shares and Inverse Fund Shares should fulfill the intended objective of Rule 19b-4(e) under the Act by allowing such derivative securities products to be listed and traded without separate Commission approval. The Commission believes that the proposed rule change should facilitate the listing and trading of additional types of exchange-traded products and reduce the time frame for bringing these securities to market, thereby reducing the burdens on issuers and other market participants and promoting competition.

The Commission finds good cause, pursuant to Section 19(b)(2) of the

Act,<sup>13</sup> for approving the proposed rule change prior to the 30th day after the date of publication of notice in the **Federal Register**. The Commission notes that it has previously approved a substantially similar proposed rule change of another self-regulatory organization.<sup>14</sup> No comments were received on the proposed rule change during the 15-day comment period, and the Commission believes that the Exchange's proposal does not present any novel regulatory issues.

As such, the Commission believes that accelerating approval of this proposal should benefit investors by creating, without undue delay, additional competition in the market for such products.

#### IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>15</sup> that the proposed rule change (SR-NASDAQ-2008-096) be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

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

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## SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2008-0045]

### Privacy Act of 1974, as Amended; Computer Matching Program (SSA/ Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement (OCSE) Match Number 1074.

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

**ACTION:** Notice of the renewal of an existing computer matching program scheduled to expire on March 12, 2009.

**SUMMARY:** In accordance with the provisions of the Privacy Act, as amended, this notice announces the renewal of an existing computer matching program that SSA is currently conducting with HHS/ACF/OCSE.

**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 Oversight and

Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The renewal of 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 of 1988 (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 individuals 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 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 approval of the matching agreement by the Data Integrity Boards (DIB) 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 an individual's benefits or payments.

<sup>13</sup> 17 CFR 240.10A-3.

<sup>14</sup> See *supra* note 12.

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

<sup>16</sup> 17 CFR 200.30-3(a)(12).

### 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: January 7, 2009.

#### Mary Glenn-Croft,

*Deputy Commissioner for Budget, Finance and Management.*

Notice of Computer Matching Program, Social Security Administration (SSA) with the Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement (HHS/ACF/OCSE).

### A. Participating Agencies

SSA and OCSE.

### B. Purpose of the Matching Program

The purpose of this agreement is to establish the conditions, terms, and safeguards under which OCSE agrees to the disclosure of quarterly wage, new hire, and unemployment insurance information to SSA. The matching program will assist SSA in establishing or verifying eligibility and/or payment amounts under the Supplemental Security Income (SSI) program, as authorized by the Social Security Act and by the Privacy Act.

### C. Authority for Conducting the Matching Program

The legal authority for SSA to conduct this matching activity for SSI purposes is contained in sections 453(j)(4), 1631(e)(1)(B) and (f) of the Social Security Act, 42 U.S.C. 653(j)(4) and 1383(e)(1)(B) and (f), and 5 U.S.C. 552a(b)(3) and 552a(o), (p), (q), and (r).

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

#### 1. Specified Data Elements Used in the Match

SSA will provide certain identifying information extracted from its Supplemental Security Record and Special Veterans Benefits (SSR) system of records to OCSE. OCSE and SSA will conduct a computerized comparison of the quarterly wage payment and unemployment insurance benefit information in the National Directory of New Hires of its Location and Collection System of records.

#### 2. Systems of Records

OCSE will provide SSA electronic files containing quarterly wage and unemployment insurance information from its system of records, the Location

and Collection System (HHS/OCSE, 09-90-0074) last published at 70 FR 21200 on April 25, 2005. Pursuant to U.S.C. 552a(b)(3), OCSE has established routine use to disclose the subject information.

SSA will match OCSE information with electronic files from its system of records, No. 60-0103, SSR (the Supplemental Security Record and Special Veterans Benefits) last published at 71 FR 1830 on January 11, 2006.

### 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 the Office of Management and Budget, 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

### 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 13, 2008

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-2008-0378.

*Date Filed:* December 8, 2008.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* December 29, 2008.

*Description:* Application of Trans States Airlines, Inc. ("Trans States") requesting that the Department (i)

disclaim jurisdiction over a proposed corporate re-organization in which Trans States will be converted from a Missouri corporation to a Delaware limited liability company bearing the name Trans States Airlines, LLC, and shortly thereafter, transfer its certificate of public convenience and necessity, exemptions, designations, and any related operating authorities to Trans States Airlines, LLC, a Delaware Limited Liability Company, which will continue air carrier operations under the name of Trans States Airlines, LLC.

*Docket Number:* DOT-OST-2008-0379.

*Date Filed:* December 8, 2008.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* December 29, 2008.

*Description:* Application of SATA Internacional—Servicios E Transportes Aereos, S.A. ("SATA Internacional") requesting an amended foreign air carrier permit, incorporating all of the new rights made available to European Community carriers specifically, SATA Internacional seeks blanket open skies authority to enable it to engage in (i) Scheduled and charter foreign air transportation of persons, property and mail from any point or points behind any Member State of the European Union via any point or points in any Member State and via intermediate points to any point or points in the United States and beyond; (ii) scheduled and charter foreign air transportation of persons, property and mail between any point or points in any member of the European Common Aviation Area and any point or points in the United States; (iii) scheduled and charter all-cargo foreign air transportation between any point or points in the United States and any other point or points; (iv) other charters subject to the Department's regulations; and (v) transportation authorized by any additional route rights made available to European Community airlines in the future. SATA Internacional also requests exemption authority to the extent necessary to enable it to provide the services covered by this application while the Department evaluates SATA Internacional's application to amend its foreign air carrier permit.

*Docket Number:* DOT-OST-2008-0382.

*Date Filed:* December 9, 2008.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* December 30, 2008.

*Description:* Application of Travel Service, a.s. requesting an exemption authority and a foreign air carrier permit to conduct charter foreign air