

### 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 self-regulatory organization 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 Number SR-NYSEArca-2007-69 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2007-69. 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, 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 available publicly. All submissions should refer to File Number SR-NYSEArca-2007-69 and should be submitted on or before September 6, 2007.

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

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-16161 Filed 8-15-07; 8:45 am]

**BILLING CODE 8010-01-P**

## **SOCIAL SECURITY ADMINISTRATION**

[Docket No. SSA-2007-0057]

### **Demonstration Project on Direct Payment of Fees to Non-Attorney Representatives**

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

**ACTION:** Notice.

**SUMMARY:** In prior notices published in the **Federal Register**, we provided guidance on the requirements for participation in the Non-Attorney Direct Payment Demonstration Project mandated by Section 303 of the Social Security Protection Act of 2004 (SSPA). In this notice, we are announcing that we are revising our earlier guidance in two respects. First, we have decided to replace the requirement that insurance policies must be underwritten by a firm that is licensed to provide insurance in the State where the individual practices with a requirement that the underwriting firm be legally permitted to provide insurance in that State. This change will allow us to accept insurance policies offered by "surplus lines carriers." Second, we are changing the manner in which we will make open-book reference materials available to test-takers.

#### **FOR FURTHER INFORMATION CONTACT:**

Marg Handel, Social Security Administration, Office of Income Security Programs, 252 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-4639.

#### **SUPPLEMENTARY INFORMATION:**

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

### **Liability Insurance Requirements**

Section 303(b)(3) of the SSPA requires non-attorney representatives who want to participate in the direct payment demonstration project to secure and maintain "professional liability insurance, or equivalent insurance, which the Commissioner has determined to be adequate to protect claimants in the event of malpractice by the representative." In a notice published in the **Federal Register** on January 13, 2005, we announced that to satisfy this requirement the insurance policy must be underwritten by a firm that is licensed to provide insurance in the State in which the non-attorney representative conducts business (70 FR 2447, 2449). At the time, we believed this requirement was needed to ensure legitimacy of the insurance policy and provide protection for the claimants in the event of the carrier's insolvency.

In the 2007 application period, several applicants relied on insurance policies obtained from so-called "surplus lines" insurers or "non-admitted" carriers. These carriers provide insurance for unusual or unique situations where coverage is unavailable from authorized or traditional insurers. Though some of those carriers may be licensed to provide insurance in the particular State where the policyholder conducts business, more often they are not. Therefore, under the guidance set out in our January 13, 2005 notice, policies underwritten by such "surplus lines" insurers or "non-admitted" carriers generally would not satisfy the insurance prerequisite for participation in the direct payment demonstration project.

Upon further examination, we have decided that insurance provided by surplus lines insurers or non-admitted carriers can be adequate to protect claimants in the event of malpractice by the representative. Surplus lines insurance policies are legally valid contracts. As with traditional professional liability insurance policies, the quality, type and scope of the professional liability protection afforded by the "surplus" policy depends exclusively on the provisions of the policy itself and has no relationship to whether the policy was issued by an admitted/licensed carrier (conventional policies) or a "surplus lines" carrier. Our earlier guidance that the policy "must be underwritten by a firm that is licensed to provide insurance in the State in which the non-attorney representative conducts business" unintentionally excluded such policies from consideration. Accordingly, we have decided to revise our earlier

guidance. We have decided that it is sufficient that a representative's insurance policy is underwritten by a business entity that is legally permitted to provide professional liability insurance in the State in which the non-attorney representative conducts business.

Except for the change described above, the liability insurance requirements previously announced remain in effect.

#### Available Reference Materials

In our January 13, 2005 notice, we also announced that we would provide each applicant eligible to sit for the examination required by SSPA section 303(b)(4) a copy of the Compilation of Social Security Laws, Volume 1 (Compilation), to use as an open-book reference during the examination. Based on experience we have gained in the first four examinations, we have decided that providing a limited number of copies of the Compilation at each testing site for test-takers to consult during the examination is sufficient. Therefore, instead of giving each test-taker a copy of the Compilation, we will make available at each testing site sufficient copies of the Compilation for use by test-takers during the examination.

#### Additional Information

Additional information on the demonstration project is available on our Representing Claimants Web site at <http://www.ssa.gov/representation/> or can be obtained by writing to:

- CPS Human Resource Services, SSA Non-Attorney Representative Demonstration Project, 241 Lathrop Way, Suite A, Sacramento, CA 95815-4242; or
- E-mail, sent to [SSA@cps.ca.gov](mailto:SSA@cps.ca.gov); or
- Telephone, toll free at 1-800-376-5728. The local number in Sacramento is 916-263-3600.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; and 96.006, Supplemental Security Income)

Dated: August 8, 2007.

**Marianna LaCanfora,**

*Assistant Deputy Commissioner for Disability and Income Security Programs.*

[FR Doc. E7-16187 Filed 8-15-07; 8:45 am]

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## DEPARTMENT OF STATE

### [Public Notice 5895]

#### Bureau of Political-Military Affairs: Directorate of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

**SUMMARY:** Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated pursuant to sections 36(c) and 36(d) and in compliance with section 36(f) of the Arms Export Control Act (22 U.S.C. 2776).

**DATES:** Effective Date: As shown on each of the 17 letters.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan M. Clark, Director, Office of Defense Trade Controls Licensing, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 663-2023.

**SUPPLEMENTARY INFORMATION:** Section 36(f) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

May 24, 2007.

Hon. Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a license for the export of defense articles or defense services sold commercially under contract in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves defense services associated with the Helicopter Long Range Active Sonar (HELTRAS) Mod. 2 System for the Canadian Maritime Helicopter Program for end use by the Canadian Ministry of National Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Jeffrey T. Bergner,  
*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 027-07.

May 25, 2007.

Hon. Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, re-certification of a proposed manufacturing license agreement for the manufacture of defense articles abroad in the amount of \$100,000,000 or more.

The transaction described in the attached certification involves the transfer of technical data, assistance, and manufacturing know-how to Japan for the manufacture of the AN/ASA-70 Tactical Display Group for the Japanese P-3C Anti-Submarine Program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Jeffrey T. Bergner,  
*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 028-07.

May 29, 2007.

Hon. Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of \$100,000,000 or more.

The transaction described in the attached certification involves the transfer of technical data, assistance and manufacturing know-how for the manufacture of the AN-APS-137B(V)5 Radar for the Japanese Maritime Self Defense Force (JMSDF).

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause