

consistent with the rules of other SROs, that it will not include options classes in the Pilot Program when the issuer of the underlying security is subject to an announced merger or is in the process of being acquired by another company or is in bankruptcy and that, for purposes of assessing average daily volume, it will use OCC data; (3) amended its rules relating to the Pilot Program to provide for the quoting of all options on IWM and SPY in one-cent increments, consistent with what the Commission has previously approved for another options exchange; (4) included in its Exhibit 5, as a technical matter, an updated table of contents; (5) made non-substantive changes to defined terms in BATS Rule 2.12(d) and proposed BATS Options Rule 21.1(d)(6) to conform to the terms as defined in proposed BATS Options Rule 16.1(a); (6) deleted proposed BATS Option Rule 16.2(d) as unnecessary; (7) added references to "BATS Options" in the title of Chapters XVI and XVII of the proposed rules; (8) stated its intent to amend its existing RSA with FINRA to capture certain aspects of regulation specifically applicable to BATS Options and the regulation and discipline of Options Members; (9) in the interest of protecting investors, amended proposed BATS Options Rule 26.14(a) (Profit Sharing) to make it consistent with FINRA Rule 2150(c)(1); and (10) made clear that it will comply with COATS specifications in submitting data for purposes of creating a consolidated audit trail, as well as receive COATS data for purposes of its surveillance operations. For these reasons, the Commission finds good cause for approving the proposed rule change, as amended, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.

## V. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>119</sup> that the proposed rule change (SR-BATS-2009-031), as modified by Amendment No. 1 thereto, be, and hereby is, approved on an accelerated basis.

Although the Commission's approval of the proposed rule change is final, and the proposed rules are therefore effective, it is further ordered that the operation of BATS Options Exchange is conditioned on the satisfaction of the requirements below:

*A. Participation in National Market System Plans Relating to Options Trading.* BATS must join the OPRA, the OLPP, the Options Order Protection and Locked/Crossed Market Plan, and the National Market System Plan of the

Options Regulatory Surveillance Authority.

*B. Examination by the Commission.* BATS must have, and represent in a letter to the staff in the Commission's Office of Compliance Inspections and Examinations that it has adequate surveillance procedures and programs in place to effectively regulate the BATS Options Exchange.

*C. RSA and 17d-2 Agreements.* BATS must ensure that all necessary changes are made to its Regulatory Services Agreement with FINRA and must become a party to the multi-party Rule 17d-2 agreements concerning sales practice regulation and market surveillance.<sup>120</sup>

*D. Participation in the Options Clearing Corporation.* BATS must join the Options Clearing Corporation.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>121</sup>

**Elizabeth M. Murphy,**  
*Secretary.*

[FR Doc. 2010-1969 Filed 1-29-10; 8:45 am]

**BILLING CODE 8011-01-P**

## SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2009-0043]

### Privacy Act of 1974, as Amended; Computer Matching Program (Social Security Administration/Railroad Retirement Board (SSA/RRB))—Match Number 1308

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

**ACTION:** Notice of renewal of an existing computer matching program, scheduled to expire on April 1, 2010.

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

**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). Renewal of the matching program will be effective as indicated below.

**ADDRESSES:** Interested parties may comment on this notice by either telefax

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 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 the other agency or agencies participating in the matching programs;

(2) Obtain 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 a person's benefits or payments.

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

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

<sup>120</sup> See *supra* notes 97 and 99 and accompanying text. See also 17 CFR 240.17d-2.

<sup>121</sup> 17 CFR 200.30-3(a)(12).

<sup>119</sup> 15 U.S.C. 78s(b)(2).

Dated: January 25, 2010.

**Michael G. Gallagher,**

*Deputy Commissioner for Budget, Finance and Management.*

**Notice of Computer Matching Program, SSA With RRB**

**A. Participating Agencies**

SSA and RRB.

**B. Purpose of the Matching Program**

The purpose of this matching program is to establish conditions, terms and safeguards under which RRB agrees to disclose RRB annuity payment data to us. This disclosure provides us with information necessary to verify a person's self-certification of eligibility for prescription drug subsidy assistance under the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA). The disclosure enables us to implement a Medicare outreach program mandated by section 1144 of title XI of the Social Security Act (Act). Information disclosed by RRB helps us identify and determine eligibility for Medicare Savings Programs (MSP) and subsidized Medicare prescription drug coverage and to identify these persons to the State agencies that administer these programs.

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

Legal authority for us to conduct this matching activity is contained in section 1860D-14 (42 U.S.C. 1395w-114) and section 1144 (42 U.S.C. 1320b-14) of the Act.

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

**1. SPECIFIED DATA ELEMENTS USED IN THE MATCH**

a. RRB electronically furnishes us with the following RRB annuitant data: name, Social Security number, date of birth, RRB claim number, and annuity payment.

b. We will match this file against the Medicare database (MDB).

**2. SYSTEMS OF RECORDS**

RRB provides us with electronic files containing RRB annuity payment, address changes and subsidy changing events data on qualified Medicare eligible RRB beneficiaries from its systems of records, RRB-22 Railroad Retirement Survivors and Pension Benefits Systems (CHICO). RRB also provides us with electronic files of all qualified RRB beneficiaries from its system of records, RRB-20 (Medicare) and newly qualified RRB beneficiaries from RRB's Post-Entitlement System (PSRRB). Pursuant to 5 U.S.C. 552a(b)(3), RRB has established routine uses to disclose the subject information.

We will match the RRB information with the electronic data from our system of records, No. 60-0321, MDB.

**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.

[FR Doc. 2010-2024 Filed 1-29-10; 8:45 am]

**BILLING CODE 4191-02-P**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Delays In Processing of Special Permits Applications**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**MODIFICATION TO SPECIAL PERMITS**

**ACTION:** List of Applications Delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5 117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Delmer F. Billings, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue, Southeast, Washington, DC 20590-0001, (202) 366-4535.

**Key to "Reason for Delay"**

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of special permit applications.

**Meaning of Application Number Suffixes**

- N—New application.  
M—Modification request.  
PM—Party to application with modification request.

Issued in Washington, DC, on January 21, 2010.

**Delmer F. Billings,**

*Director, Office of Hazardous Materials, Special Permits and Approvals.*

Application No.	Applicant	Reason for delay	Estimated date of completion
13736-M	ConocoPhillips Anchorage, AK	4	03-31-2010
14466-M	Alaska Pacific Powder Company Anchorage, AK	4	03-31-2010
11156-M	Alaska Pacific Powder Company Anchorage, AK	4	03-31-2010
10945-M	Structural Composites Industries, LLC Pomona, CA	4	03-31-2010
12629-M	TEA Technologies, Inc. Amarillo, TX	1	03-31-2010
14167-M	Trinityrail Dallas, TX	4	03-31-2010
14810-N	Olin Corporation, Chlor Alkal Products Division Cleveland, TN	4	03-31-2010
14813-N	Organ Recovery Systems Des Plaines, IL	4	03-31-2010
14831-N	Gasitech Industries—Gas—Handelsgesellschaft mbH	1	03-31-2010
14832-N	Trinity Industries, Inc. Dallas, TX	4	03-31-2010
14835-N	The Reusable Industrial Packaging Association Washington, DC	4	03-31-2010
14845-N	Progress Rail Services Albertville, AL	4	03-31-2010
14839-N	Matheson Tn-Gas, Inc. Basking Ridge, NJ	4	03-31-2010
14864-N	Balchem Corporation New Hampton, NY	4	03-31-2010