

available to both members and non-members on annual subscription basis. The current subscription rate for both members and non-members is \$600 per month.

ISE also sells historical ISE Open/Close Trade Profile, a market data offering comprised of the entire opening and closing trade data of both customers and firms that dates back to May 2005, to both members and non-members, on an ad-hoc basis or as a complete set that dates back to May 2005. Ad-hoc subscribers can purchase this data for any number of months, beginning from May 2005 through the current month. Alternatively, subscribers can purchase the entire set of this data, beginning from May 2005 through the current month. The historical ISE Open/Close Trade Profile is compiled and formatted by ISE and sold as a zipped file. ISE charges ad-hoc subscribers \$600 per request for each month of data and a discounted fee of \$500 per request per month for subscribers that want the complete set, i.e., from May 2005 to the present month.

The Exchange now proposes to adopt reduced fees for subscriptions to historical ISE Open/Close Trade Profile by academic institutions. Occasionally, academic institutions inquire with the Exchange about subscribing to the historical ISE Open/Close Trade Profile for research purposes but are not inclined to pay the full price. In order to encourage and promote academic studies of its market data, ISE proposes to charge a flat rate of \$500 for up to 12 months of data or \$1,000 for the complete data set. Academic institutions may not use the data in support of actual securities trading. The proposed discount applies only to the market data fees and does not cover any access or telecommunication charges that may be incurred by an academic institution. Moreover, with the adoption of reduced fees for academic institutions, ISE is not waiving any of its contractual rights and all academic institutions that subscribe to this data will be required to execute the appropriate subscriber agreement.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the "Exchange Act") for this proposed rule change is the requirement under Section 6(b)(4), that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange notes that the proposed fees are reasonable and equitable in that they are deeply discounted and apply equally to all academic institutions as

long as the purpose for subscribing to the data is educational and not vocational. Further, the Exchange believes the proposed rule filing will promote academic research of market data which can be of benefit to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not 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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

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. Please include File Number SR-ISE-2009-64 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-ISE-2009-64. 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 ISE. 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-ISE-2009-64 and should be submitted on or before October 8, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9-22391 Filed 9-16-09; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60634; File No. SR-BX-2009-055]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing of Proposed Rule Change to Retroactively Correct an Error in Rule 7018

September 8, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 28, 2009, NASDAQ OMX BX, Inc.

⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

("BX")³ filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

BX is filing a proposed rule change to apply retroactively to the period from April 1, 2009 through August 16, 2009 the correction made by SR-BX-2009-049 of a typographical error formerly in Rule 7018. There is no proposed rule text.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, BX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below.

BX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

BX recently submitted a filing to correct a typographical error in Rule 7018.⁴ That filing was immediately effective upon the date of its filing, August 17, 2009. The purpose of this filing is to apply the correction of the typographical error retroactively to the period from April 1, 2009 through August 16, 2009.

In SR-BX-2009-018,⁵ BX modified its pricing for execution of orders in securities listed on The NASDAQ Stock Market ("NASDAQ") and the New York Stock Exchange ("NYSE") by, among other things, replacing a charge to access liquidity of \$0.0014 per share executed with a credit of \$0.0006 per share executed. This change was accurately described in the "Purpose"

³ The Commission notes that BX also refers to itself as the "Exchange" in this proposed rule change.

⁴ SR-BX-2009-049 (August 17, 2009).

⁵ Securities Exchange Act Release No. 59682 (April 1, 2009), 74 FR 16015 (April 8, 2009) (SR-BX-2009-018).

section of BX's Form 19b-4 filing,⁶ in the Commission's notice of the filing on the SEC Web site⁷ and in the **Federal Register**,⁸ in widely disseminated announcements of the pricing change,⁹ and in the pricing schedule that appears on BX's market Web site.¹⁰ However, due to a typographical error, the credit incorrectly appeared as "\$0.006" in Exhibit 5 to the filing.

BX has been billing members in accordance with the correct fee since the effective date of the change in April 2009, and accordingly believes that all of its members that trade on the NASDAQ OMX BX Equities System are cognizant of the correct fee. BX submitted SR-BX-2009-049 on an immediately effective basis to correct the error, and is now submitting this filing to seek Commission approval to apply the correction retroactively to the period from April 1, 2009 through August 16, 2009.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,¹¹ in general, and with Section 6(b)(5) of the Act,¹² in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system. The proposed rule change will ensure that a recently filed correction of a typographical error in BX Rule 7018 is applied retroactively throughout the entire period when the error was in the rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

BX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

⁶ See <http://nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/pdf/bx-filings/2009/SR-BX&-200-018.pdf>.

⁷ See <http://www.sec.gov/rules/sro/bx/2009/34-59682.pdf>.

⁸ See Securities Exchange Act Release No. 59682 (April 1, 2009), 74 FR 16015 (April 8, 2009) (SR-BX-2009-018).

⁹ See <http://www.nasdaqtrader.com/TraderNews.aspx?id=ETA2009-16>.

¹⁰ See http://www.nasdaqtrader.com/Trader.aspx?id=bx_pricing.

¹¹ 15 U.S.C. 78f.

¹² 15 U.S.C. 78f(b)(5).

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. Please include File No. SR-BX-2009-055 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-BX-2009-055. 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, 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-BX-2009-055 and should be submitted on or before October 8, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9-22366 Filed 9-16-09; 8:45 am]

BILLING CODE 8010-01-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2009-0063]

Notice of Senior Executive Service Performance Review Board Membership

AGENCY: Social Security Administration.

ACTION: Notice of Senior Executive Service Performance Review Board Membership.

Title 5, U.S. Code 4314 (c)(4), requires that the appointment of Performance Review Board members be published in the **Federal Register** before service on said Board begins.

The following persons will serve on the Performance Review Board which oversees the evaluation of performance appraisals of Senior Executive Service members of the Social Security Administration:

Sean Brune *
JoEllen Felice
Alan Heim *
Pete Herrera
Bonnie Kind *
Eileen McDaniel
Marcia Mosley
Steven Patrick *
Ronald Raborg
Roy Snyder
Tina Waddell
Daryl Wise *

* New Member

Dated: September 11, 2009

Reginald F. Wells,

Deputy Commissioner for Human Resources.

[FR Doc. E9-22394 Filed 9-16-09; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending September 5, 2009

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1383 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: DOT-OST-2009-0213.

Date Filed: September 3, 2009.

Parties: Members of the International Air Transport Association.

Subject: PTC3 South Asian Subcontinent—South East Asia. PTC3 Within South East Asia except between Malaysia and Guam PTC3 South East Asia—Japan, Korea except between Korea (Rep. of) and Guam, Northern Mariana Islands Special Passenger Amending Resolution from Viet Nam to South Asian Subcontinent, South East Asia, Japan, Korea (Memo 1316).

Intended effective date: 15 September 2009.

Renee V. Wright,

Program Manager, Docket Operations Federal Register Liaison.

[FR Doc. E9-22418 Filed 9-16-09; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974: Systems of Records

AGENCY: Maritime Administration (MARAD), DOT.

ACTION: Notice to establish systems of records.

SUMMARY: DOT intends to establish systems of records under the Privacy Act of 1974.

DATES: *Effective Date:* October 27, 2009. If no comments are received, the proposal will become effective on the above date. If comments are received, the comments will be considered and, where adopted, the documents will be republished with changes.

ADDRESSES: Send comments to: Habib Azarsina, Departmental Privacy Officer, S-80, United States Department of Transportation, Office of the Secretary of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590, or habib.azarsina@dot.gov.

FOR FURTHER INFORMATION CONTACT:

Habib Azarsina, Departmental Privacy Officer, S-80, United States Department of Transportation, Office of the Secretary of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590, telephone 202-366-1965 or habib.azarsina@dot.gov.

SUPPLEMENTARY INFORMATION: The Department of Transportation system of records notice subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, has been published in the **Federal Register** and is available from the above mentioned address.

System Number:

DOT/MARAD 31

SYSTEM NAME:

Mariner Outreach System (MOS).

SECURITY CLASSIFICATION:

Unclassified, Sensitive.

SYSTEM LOCATION:

NCCIPS Data Center Loading Dock, Cypress Loop Road, Building 9323, Stennis Space Center, MS 39529.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM OF RECORDS:

The Mariner Outreach System (MOS) contains information about U.S. Coast Guard (USCG) mariners. MOS provides a systematic way to monitor the adequacy of our nation's merchant mariner pool and to track and maintain contact information and qualifications of mariners. Therefore, there is the potential for the following categories of individual's information to be covered by this system:

- Data about mariners who hold or previously held a USCG credential.

CATEGORIES OF RECORDS IN THE SYSTEM:

MOS contains the following types of information:

- Information from the Merchant Mariner License and Documentation (MMLD) including personal data such as last 4 digits of SSN, date of birth (DOB), place of birth (POB).
- Mariners updated contact information, *e.g.*, address, e-mail(s), and phone number(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Directive #28 (October 5, 1989), Merchant Marine Act of 1936; Maritime Security Act of 2003 (Pub. L. 108-136).

PURPOSES:

MOS is an invaluable tool for MARAD and its partners to make valid vessel and human resources projections; identify potential mariner shortfalls; allow mariners to provide up-to-date/

¹³ 17 CFR 200.30-3(a)(12).