

disseminated to all market participants at the same time, it must halt trading in on NYSE Arca Marketplace until such time as the NAV is available to all market participants. The Commission notes that the Exchange will obtain a representation from the Trust that the NAV per Share will be calculated daily and that the NAV will be made available to all market participants at the same time.¹¹ Additionally, if the IIV¹² is not being disseminated as required, the Exchange may halt trading during the day in which the disruption occurs; if the interruption persists past the day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.¹³ Further, the Exchange will consider the suspension of trading in or removal from listing of the Shares pursuant to NYSE Arca Rule 8.201(e)(2) if: (1) The value of palladium is no longer calculated or available on at least a 15-second delayed basis from a source unaffiliated with the sponsor, Trust, custodian or the Exchange or the Exchange stops providing a hyperlink on its Web site to any such unaffiliated commodity value; or (2) the IIV is no longer made available on at least a 15-second delayed basis. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which conditions in the underlying palladium market have caused disruptions and/or lack of trading, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's "circuit breaker" rule.

In addition, NYSE Arca Equities Rule 8.201 sets forth certain requirements for ETP Holders acting as registered Market Makers in the Shares. Pursuant to NYSE Arca Equities Rule 8.201(h), an ETP Holder acting as a registered Market Maker in the Shares is required to

¹¹ See e-mail from Michael Cavalier, Chief Counsel, NYSE Euronext, to Christopher W. Chow, Special Counsel, and Andrew Madar, Special Counsel, Commission, dated December 10, 2009.

¹² For the Shares, the Exchange uses IIV and ITV interchangeably. See e-mail from Michael Cavalier, Chief Counsel, NYSE Euronext, to Christopher W. Chow, Special Counsel, Commission, dated December 22, 2009.

¹³ See *id.*

provide the Exchange with information relating to its trading in palladium, related futures or options on futures, or any other related derivatives, which the Market Maker may have or over which it may exercise investment discretion. NYSE Arca Equities Rule 8.201(i) also prohibits an ETP Holder acting as a registered Market Maker in the Shares from using any material nonpublic information received from any person associated with an ETP Holder or employee of such person regarding trading by such person or employee in palladium, related futures or options on futures or any other related commodity derivatives.

In support of this proposal, the Exchange has made representations, including:

(1) The Shares will be subject to the initial and continued listing criteria under NYSE Arca Equities Rule 8.201.

(2) The Exchange's surveillance procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. Pursuant to NYSE Arca Equities Rule 8.201(h), the Exchange is able to obtain information regarding trading in the Shares and the underlying palladium, palladium futures contracts, options on palladium futures, or any other palladium derivative, through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades which they effect on any relevant market. In addition, the Exchange may obtain trading information via the Intermarket Surveillance Group ("ISG") from other exchanges who are members of the ISG.

(3) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares in Baskets (including noting that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) how information regarding the IIV is disseminated; (d) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (e) the possibility that trading spreads and the resulting premium or discount on the Shares may

widen as a result of reduced liquidity of palladium trading during the Core and Late Trading Sessions after the close of the major world palladium markets; and (f) trading information.

This approval order is based on the Exchange's representations.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act¹⁴ and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁵ that the proposed rule change (SR-NYSEArca-2009-94), be, and it hereby is, approved.

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

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9-30787 Filed 12-28-09; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2009-0091]

Occupational Information Development Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of upcoming quarterly panel meeting.

DATES: January 20, 2010, 1 p.m.-4:30 p.m. (CST); January 21, 2010, 8:30 a.m.-4:30 p.m. (CST); January 22, 2010, 8:30 a.m. to 11:30 a.m. (CST).

Location: Hilton Dallas Lincoln Centre.

ADDRESSES: 5410 LBJ Freeway, Dallas, Texas.

SUPPLEMENTARY INFORMATION:

Type of meeting: The meeting is open to the public.

Purpose: This discretionary Panel, established under the Federal Advisory Committee Act of 1972, as amended, shall report to the Commissioner of Social Security. The Panel will provide independent advice and recommendations on plans and activities to replace the Dictionary of Occupational Titles used in the Social Security Administration's (SSA) disability determination process. The Panel will advise the Agency on creating an occupational information

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78s(b)(2).

¹⁶ 17 CFR 200.30-3(a)(12).

system tailored specifically for SSA's disability programs and adjudicative needs. Advice and recommendations will relate to SSA's disability programs in the following areas: Medical and vocational analysis of disability claims; occupational analysis, including definitions, ratings and capture of physical and mental/cognitive demands of work and other occupational information critical to SSA disability programs; data collection; use of occupational information in SSA's disability programs; and any other area(s) that would enable SSA to develop an occupational information system suited to its disability programs and improve the medical-vocational adjudication policies and processes.

Agenda: The Panel will meet on Wednesday, January 20, 2010, from 1 p.m. until 4:30 p.m. (CST); Thursday, January 21, 2010, from 8:30 a.m. until 4:30 p.m. (CST) and Friday, January 22, 2010, from 8:30 a.m. until 11:30 a.m. (CST). The agenda will be available on the Internet at <http://www.socialsecurity.gov/oidap/> one week prior to the meeting.

The tentative agenda for this meeting includes: Presentations from invited stakeholder organizations for the purpose of receiving feedback on the Panel's recommendations identified in the report entitled *Content Model and Classification Recommendations for the Social Security Administration Occupational Information System (September 2009)* and related issues of concern in areas where additional or new occupational information is needed; an overview of the project work plan and the Panel's focus for FY2010; discussion of user feedback; review of the panel structure; subcommittee chair reports; receive a presentation summarizing the user needs analysis final report findings and hold an administrative business meeting.

The Panel will hear public comment during the January Quarterly Meeting on Wednesday, January 20, 2010 from 3:30 p.m. to 4:30 p.m. (CST) and Thursday, January 21, 2010 from 8:45 a.m. to 9:45 a.m. (CST). Members of the public must schedule a time slot—assigned on a first come, first served basis—in order to comment. In the event public comment does not take the entire time allotted, the Panel may use any remaining time to deliberate or conduct other Panel business.

Persons interested in providing testimony in person at the meeting or via teleconference should contact the Panel staff by e-mail to OIDAP@ssa.gov. Individuals are limited to a maximum five-minute verbal presentation. Organizational representatives will be

allotted a maximum ten-minute verbal presentation. Written testimony, no longer than five (5) pages, may be submitted at any time either in person, or by mail, fax or e-mail to OIDAP@ssa.gov for Panel consideration.

Persons interested in providing feedback on the Panel report entitled *Content Model and Classification Recommendations for the Social Security Administration Occupational Information System (September 2009)* may do so no later than February 15, 2010, by mail, fax or e-mail to the staff. Please include your complete contact information (full name, mailing and e-mail address) with the submission.

Seating is limited. Individuals who need special accommodation in order to attend or participate in the meeting (e.g., sign language interpretation, assistive listening devices, or materials in alternative formats, such as large print or CD) should notify Debra Tidwell-Peters via e-mail to debra.tidwell-peters@ssa.gov or by telephone at 410-965-9617, no later than January 15, 2010. SSA will attempt to meet requests made but cannot guarantee availability of services. All meeting locations are barrier free.

If you want to access the meeting by teleconference, please send your name and contact information to OIDAP@ssa.gov one week prior to the start date of the meeting.

Contact Information: Records of all public Panel proceedings are maintained and available for inspection. Anyone requiring further information should contact the Panel staff at: Occupational Information Development Advisory Panel, Social Security Administration, 6401 Security Boulevard, 3-E-26 Operations, Baltimore, MD 21235-0001. Telephone: 410-965-9617. Fax: 202-410-597-0825. E-mail to OIDAP@ssa.gov. For additional information, please visit the Panel Web site at <http://www.ssa.gov/oidap>.

Dated: December 22, 2009.

Debra Tidwell-Peters,
Designated Federal Officer, Occupational Information Development Advisory Panel.
[FR Doc. E9-30759 Filed 12-28-09; 8:45 am]
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SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2009-0090]

Rate for Assessment on Direct Payment Fees to Representatives in 2010

AGENCY: Social Security Administration (SSA).

ACTION: Notice.

SUMMARY: We are announcing that the assessment percentage rate under sections 206(d) and 1631(d)(2)(C) of the Social Security Act (Act), 42 U.S.C. 406 (d), and 1383(d)(2)(C), is 6.3 percent for 2010.

FOR FURTHER INFORMATION CONTACT: Gwen Jones Kelley, Associate General Counsel for Program Law, Office of the General Counsel, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401. Phone: (410) 965-0495, e-mail Gwen.Jones.Kelley@ssa.gov.

SUPPLEMENTARY INFORMATION: Section 406 of Public Law No. 106-170, the Ticket to Work and Work Incentives Improvement Act of 1999, established an assessment for the services required to determine and certify payments to attorneys from the benefits due claimants under Title II of the Act. This provision is codified in section 206 of the Act (42 U.S.C. 406). That legislation set the assessment for the calendar year 2000 at 6.3 percent of the amount that would be required to be certified for direct payment to the attorney under sections 206(a)(4) or 206(b)(1) of the Act before the application of the assessment. For subsequent years, the legislation requires us to determine the percentage rate necessary to achieve full recovery of the costs of determining and certifying fees to attorneys, but not in excess of 6.3 percent. Beginning in 2005, sections 302 and 303 of Public Law No. 108-203, the Social Security Protection Act of 2004 (SSPA), extended the direct payment of fees to attorneys in cases under Title XVI of the Act and to eligible non-attorney representatives in cases under Title II or Title XVI of the Act. Fees directly paid under these provisions are subject to the same assessment. In addition, sections 301 and 302 of the SSPA imposed a dollar cap (i.e., currently \$83) on the amount of the assessment so that the assessment may not exceed the lesser of that dollar cap or the amount determined using the assessment percentage rate.

Based on the best available data, we have determined that the current rate of 6.3 percent will continue for 2010. We will continue to review our costs for these services on a yearly basis.

Dated: December 18, 2009.

Michael G. Gallagher,
Deputy Commissioner for Budget, Finance and Management.

[FR Doc. E9-30757 Filed 12-28-09; 8:45 am]
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