

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

The Exchange does not believe that the proposed rule change will impose any burden on competition 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

No written comments were either solicited or received.

## II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(iii) of the Act<sup>10</sup> and paragraph (f)(3) of Rule 19b-4<sup>11</sup> thereunder because it is concerned solely with the administration of the Exchange. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## 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-Phlx-2008-57 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-Phlx-2008-57. 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](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 the filing also will be available for inspection and copying at the principal office of the Phlx. 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-Phlx-2008-57 and should be submitted on or before August 20, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Florence E. Harmon,**  
Acting Secretary.

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## SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2008-0042]

### Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Railroad Retirement Board (RRB))—Match Number 1006

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

**ACTION:** Notice of the renewal of an existing computer matching program, which is scheduled to expire on October 4, 2008.

**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 the RRB.

**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 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.

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

We have taken action to ensure that all of SSA's computer matching

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>11</sup> 17 CFR 240.19b-4(f)(3).

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

programs comply with the requirements of the Privacy Act, as amended.

Dated: July 11, 2008.

**Mary Glenn-Croft,**

*Deputy Commissioner for Budget, Finance and Management.*

**Notice of Computer Matching Program, Social Security Administration (SSA) With the Railroad Retirement Board (RRB)**

*A. Participating Agencies*

SSA and RRB.

*B. Purpose of the Matching Program*

The purpose of this matching program is to establish the conditions, safeguards and procedures under which the RRB agrees to disclose RRB annuity payment data to the SSA. This disclosure will provide SSA with information necessary to verify Supplemental Security Income (SSI) program and Special Veterans Benefits (SVB) eligibility and benefit payment amounts. It also helps to ensure that correct recording on the Supplemental Security Income Record (SSR) of railroad annuity amounts paid to SSI and SVB recipients by RRB. The SSI program provides payments to aged, blind and disabled recipients with income and resources at or below levels established by law and regulations. The SVB program provides similar benefits to certain World War II veterans.

*C. Authority for Conducting the Matching Program*

The legal authority for the SSI portion of this matching program is contained in sections 1631(e)(1)(A) and (B) and 1631(f) of the Social Security Act ("the Act"), (42 U.S.C. 1383 (e)(1)(A) and (B) and 1383(f)). The legal authority for the SVB portion of this matching program is contained in section 806(b) of the Act, (42 U.S.C. 1006 (b)).

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

On the basis of certain identifying information as provided by SSA to RRB, RRB will provide SSA with electronic files containing annuity payment data from RRB's system of records, RRB-22 Railroad Retirement, Survivor, and Pensioner Benefits System, entitled Checkwriting Integrated Computer Operation (CHICO) Benefit Payment Master. SSA will then match the RRB data with data maintained in the SSR, SSA/OASSIS, 60-0103 system of records. SVB data also resides on the SSR.

*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.

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**DEPARTMENT OF STATE**

**[Public Notice: 6304]**

**Notice of Disposition of Electronic Scanning and Storage of Certain Nonimmigrant Records**

**SUMMARY:** The Department has determined that electronic scanned records of Category I nonimmigrant visa refusals and nonimmigrant visa applications (Form DS-156 [OMB-1405-018]) are to be treated as the official or original records of the Department of State. In accordance with The Government Paperwork Elimination Act (GPEA), the Department's scanned records are not to be denied legal effect, validity, or enforceability merely because they are in electronic form.

In October 21, 1998, Congress enacted the Government Paperwork Elimination Act (GPEA) which required, when practicable, Federal agencies to use electronic processes to conduct agency business. The purpose of the GPEA was to preclude agencies or courts from systematically treating electronic documents and signatures less favorably than their paper counterparts. In accordance with the GPEA, the Department of State launched the electronic scanning initiative in October 2001, which began the scanning of Category I nonimmigrant visa refusal paper records at selected posts. By May 2004, the Department of State expanded this scanning initiative to all posts. As of March 31, 2008, the Department has maintained the scanning of all Category I nonimmigrant visa refusal paper records and has also expanded its scanning initiative to include the scanning of nonimmigrant visa applications (Form DS-156 [OMB-1405-0018]) at selected high-volume posts.

By expanding the scanning initiative, the Department of State seeks to:

- Reduce costs associated with physical storage and improve access to these records with an electronic

information management (EIM) interface.

- Manage millions of records and retrieve the ones that are needed expeditiously.
- Share documents with other offices or access them remotely while protecting confidential information.
- Create reports relating to case management, workload, and level-of-effort quantifications.

**Will these records be considered "official" for all purposes?**

Yes. Since the scanned, electronically stored records replicates the original paper documents, the scanned versions are to be considered the official or original records for all legal and other purposes.

**What are "Category I" records?**

Generally, but not always, Category I refusals are permanent in nature, as opposed to Category II refusals that are based on circumstances that may change and allow an applicant to overcome his or her visa ineligibility.

For example, a case involving a person convicted of a crime involving moral turpitude would be entered as a Category I refusal because the basis for the finding of ineligibility is predicated on a permanent condition, i.e., the conviction. However, the case of a person who is determined by a consular officer to be ineligible for a visa as a result of having incurred one year or more of unlawful presence in the United States would be entered as a Category II refusal because an ineligibility on that ground remains in effect for ten years following the person's departure or removal from the United States, and thereafter would not provide a basis for a refusal.

**Under what authority is the Department of State converting these records?**

Section 1732 of Title 28 of the United States Code (Record made in regular course of business; photographic copies) establishes the admissibility of electronic (copied) documents.

**Is the electronic conversion of these documents temporary or permanent?**

The Department has determined that the electronic conversion of Category I records is to be permanent.

**Will these records be readily available for review?**

No. In compliance with existing statutory requirements, these records are generally available only for internal use with respect to the issuance or denial of visas or permits to enter the United