

Direct Contracts agreement.<sup>1</sup> Global Direct Contracts provide a rate for mail acceptance within the United States and transportation to a receiving country, with the addition by the customer of appropriate foreign indicia, and payment by the Postal Service of the appropriate settlement charges to the receiving country. The Postal Service believes the instant agreement is functionally equivalent to previously submitted Global Direct Contracts agreements, and supported by the Governors' Decision filed in Docket No. MC2008-7.<sup>2</sup> The Postal Service contends that the instant agreement should be included within the Global Direct Contracts product.

*The instant contract.* The Postal Service filed the instant agreement pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that the agreement is in accordance with PRC Order No. 153. It submitted the contract and supporting material under seal, and attached a redacted copy of the certified statement required by 39 CFR 3015.5(c)(2) to the Notice.

The Notice identifies the instant agreement as fitting within the Mail Classification Schedule language for Global Direct Contracts, and indicates that this agreement is set to expire no later than January 31, 2010.<sup>3</sup> The Notice discusses the Postal Service's interest in the confidential treatment of the contract and related material. *Id.* at 2-3. The Notice also provides the Postal Service's rationale for concluding that the instant contract is functionally equivalent to the initial contracts filed in Docket Nos. CP2009-10 and CP2009-11. *Id.* at 2-6.

## II. Notice of Filing

The Commission establishes Docket No. CP2009-18 for consideration of matters related to the agreement identified in the Postal Service's Notice.

<sup>1</sup> Notice of United States Postal Service Filing of Functionally Equivalent Global Direct Contracts Negotiated Service Agreement, December 23, 2008 (Notice).

<sup>2</sup> Notice at 1-2. See Docket No. MC2008-7, Request of the United States Postal Service to Add Global Plus 2 Negotiated Service Agreements to the Competitive Product List, and Notice of Filing (Under Seal) the Enabling Governors' Decision and Two Functionally Equivalent Agreements, Attachment A, August 8, 2008, for a redacted version of Decision of the Governors of the United States Postal Service on the Establishment of Prices and Classifications for Global Direct, Global Bulk Economy, and Global Plus Contracts (Governors' Decision No. 08-10), July 16, 2008. The Postal Service also filed under seal an unredacted version of the Governors' Decision in that docket.

<sup>3</sup> The Postal Service also states that this agreement has the same duration, basically a one-year period, as the previously approved Global Direct Contracts agreements. Notice at 5.

Interested persons may submit comments on whether the Postal Service's agreement is consistent with the policies of 39 U.S.C. 3632, 3633, or 3642. Comments are due no later than January 5, 2009. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Michael J. Ravnitzky to serve as Public Representative in the captioned filings.

## III. Ordering Paragraphs

### *It is Ordered:*

1. The Commission establishes Docket No. CP2009-18 for consideration of the matters raised in this docket.

2. Pursuant to 39 U.S.C. 505, Michael J. Ravnitzky is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than January 5, 2009.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

**Steven W. Williams,**  
*Secretary.*

[FR Doc. E8-31374 Filed 1-2-09; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59166; File No. SR-Phlx-2008-82]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NASDAQ OMX PHLX, Inc. Relating to Rule 1028 (Confirmations)

December 29, 2008.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on December 10, 2008, NASDAQ OMX PHLX, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III, below, which Items have substantially been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and

Rule 19b-4(f)(6) thereunder.<sup>4</sup> 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

The Exchange proposes to amend Phlx Rule 1028, Confirmations, to eliminate the requirement that members indicate in written confirmations to options customers the specific exchange on which transactions were done.<sup>5</sup> The text of the proposed rule change is available at the Exchange, on the Exchange's Web site at <http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings>, and at the Commission.

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

In its filing with the Commission, the Exchange 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. The Exchange 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

The purpose of the proposed rule change is to amend Phlx Rule 1028 to eliminate the requirement that the market on which an options transaction is executed be disclosed on a written confirmation furnished to a customer of a member organization. Pursuant to Phlx Rule 1028, the member organization will continue to be required to furnish a written confirmation that contains a description of each transaction in the option contracts which shall show: the type of option; the underlying security (*e.g.*,

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> The proposed filing is being done pursuant to an industry-wide initiative under the auspices of the Options Self-Regulatory Council ("OSRC"), which is a committee comprised of representatives from each of the options exchanges functioning pursuant to the OSRC Plan (the "Plan"). See Securities Exchange Act Release No. 20158 (Sept. 8, 1983), 48 FR 41256 (Sept. 14, 1983). The Plan is not a National Market System ("NMS") plan under Section 11A of the Act, but rather is a plan to allocate regulatory responsibilities under Rule 17d-2 under the Act. 17 CFR 240.17d-2.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

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

stock or Exchange Traded Fund); the expiration month; the exercise price; the number of option contracts; the premium and commissions; the transaction and settlement dates; whether the transaction was a purchase or a sale (writing) transaction; whether the transaction was an opening or a closing transaction; and whether the transaction was effected on a principal or agency basis.

The Exchange believes that with the expansion of multi-listing of options and the introduction of new options exchanges, it has become operationally inefficient to require the disclosure of the market center on which an order was executed on the confirmation. As an example, a customer may have a single option order containing numerous option contracts executed on multiple exchanges. As such, it would be inefficient for the member organization to be required to identify the exchange symbol for each contract executed on that customer's order. This proposal will clarify that written confirmations furnished by the member organization(s) to a customer will not need to specify the exchange or exchanges on which such option contracts were executed.

This proposal is similar to rule change proposals that have been filed by the Chicago Board Options Exchange ("CBOE"), the Financial Industry Regulatory Authority, Inc. ("FINRA"), and the American Stock Exchange LLC ("Amex").<sup>6</sup> The Exchange believes that similar proposals will be filed with the Commission by the New York Stock Exchange ("NYSE") and other exchanges, and if adopted, would continue to provide a uniform approach with respect to confirmations to customers regarding standardized options.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act<sup>7</sup> in general, and furthers the objectives of section 6(b)(5) of the Act<sup>8</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by clarifying the Exchange's options

confirmation procedure rules to better reflect the realities of the modern options market.

### 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 with respect to the proposed rule change.

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

The Exchange believes that the foregoing proposed rule change may take effect upon filing with the Commission pursuant to section 19(b)(3)(A)<sup>9</sup> of the Act and Rule 19b-4(f)(6)(iii) thereunder<sup>10</sup> because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate.

A proposed rule change filed under 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing.<sup>11</sup> However, Rule 19b-4(f)(6)(iii)<sup>12</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay.

The proposed rule change is substantially similar to an Amex rule that provides that written confirmations relating to options transactions are not required to specify the options exchange or exchanges on which such options were executed.<sup>13</sup> The Exchange believes that this proposed rule change does not raise any new, unique or substantive issues from those raised in the approved Amex filing. The Exchange also believes that acceleration of the operative date is consistent with the protection of investors and the public interest.<sup>14</sup>

Lastly, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five days prior to the date of the filing of the proposed rule change as required by Rule 19b-4(f)(6).

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-2008-82 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-2008-82. 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

impact of the proposed rule on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>6</sup> See Securities Exchange Act Release Nos. 58814 (Oct. 20, 2008), 73 FR 63527 (Oct. 24, 2008) (SR-Amex-2008-53); 58932 (Nov. 12, 2008), 73 FR 69696 (Nov. 19, 2008) (SR-FINRA-2008-32); and 58980 (Nov. 19, 2008), 73 FR 72091 (Nov. 26, 2008) (SR-CBOE-2008-61).

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> See *supra* note 6, and related text.

<sup>14</sup> For purposes only of waiving the 30-day operative delay, the Commission has considered the

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 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-Phlx-2008-82 and should be submitted on or before January 26, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Florence E. Harmon,**

*Acting Secretary.*

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## DEPARTMENT OF STATE

[Public Notice 6472]

### Family Advocacy Case Records

**SUMMARY:** Notice is hereby given that the Department of State proposes to create a new system of records, pursuant to the provision of the Privacy Act of 1974 as amended (5 U.S.C. 552a) and Office of Management and Budget Circular No. A-130, Appendix I. The Department's report was filed with the Office of Management and Budget on December 29, 2008.

It is proposed that the system be named "Family Advocacy Case Records System." The system description will specify that Family Advocacy Case Record System maintains records concerning alleged, suspected or established child abuse or neglect or domestic violence on individuals who have been the subject of the Department of State's Family Advocacy Program, including individuals who are or were under the authority of a Chief of Mission at a post abroad. Individuals whose information is continued in the system of records may include children who are alleged to have been the subject of abuse or neglect, family members of such children, alleged perpetrators of such abuse or neglect and those involved with allegations of domestic violence.

Any persons interested in commenting on the new Family Advocacy Case Records system of records may do so by submitting comments in writing to Margaret P. Grafeld, Director, Office of Information Programs and Service, A/ISS/IPS, SA-2,

515 22nd Street, NW., Department of State, Washington, DC 20522-8001. The new system of records for the Family Advocacy Case Records will be effective, unless comments are received 40 days from the date of publication that result in a contrary determination.

This new system description will read as set forth below.

Dated: December 29, 2008.

**William H. Moser,**

*Acting Assistant Secretary for the Bureau of Administration, Department of State.*

### State-75

#### SYSTEM NAME:

Family Advocacy Case Records.

#### SECURITY CLASSIFICATION:

Primarily unclassified but may include classified information.

#### SYSTEM LOCATION:

Department of State, Office of Medical Services, SA-1, 2401 E Street, NW., Washington, DC 20522, and at overseas posts.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been the subject of the Department of State Family Advocacy Program, including but not limited to individuals who are or were under the authority of a Chief of Mission at a post abroad. Individuals may include children who are alleged to have been the subject of abuse or neglect, family members of such children, and the alleged perpetrators of such abuse or neglect. Individuals also may include those involved with allegations of domestic violence.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 226 of the Victims of Child Abuse Act of 1990 42 U.S.C. 13031; sections 201, 206, 207 of Foreign Service Act of 1980 22 U.S.C. 3921, section 3926, section 3927 (Management of the Foreign Service); section 904 of the Foreign Service Act, 22 U.S.C. 4084 (Health Care for the Foreign Service); 5 U.S.C. 301 (Management of the Department of State); 22 U.S.C. 4802, Executive Order 10450; and 28 CFR 81.1 *et seq.*

#### CATEGORIES OF RECORDS IN THE SYSTEM:

All available information concerning alleged, suspected or established child abuse or neglect or domestic violence. Included could be medical records, reports from medical officers at post, health care records from post, Family Advocacy Committee and Post Family Advocacy Team recommendations, law enforcement investigative reports, Regional Security Officer reports,

witness reports, telegrams, email communications, correspondence, evaluative reports by medical and other professionals, photographs, lab results, x-rays, court documents, legal documents such as power of attorney, and other related records.

#### PURPOSE:

The information in this system is used at post by members of the Family Advocacy Team and in the Department of State by the Family Advocacy Committee. The information may be shared within the Department of State on a need to know basis and in medical clearance determinations for overseas assignment of covered employees and family members, as well as for making determinations involving curtailment, medical evacuation, suitability, and security clearance.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The routine uses of the information also include:

- (1) In cases of suspected child abuse, to the officials designated to receive reports of such cases pursuant to the Victims of Child Abuse Act of 1990;
- (2) In cases of suspected child abuse or neglect, or domestic violence, to the appropriate federal, state, local or foreign government officials who may be involved with the investigation, prosecution, or the provision of services in such cases;
- (3) To medical professionals, health care providers, and social workers, for purposes of providing treatment and/or services to the individuals covered by this system of records;
- (4) To other United States Government agencies and local authorities in the performance of their official duties relating to coordination of family advocacy programs, medical care and research concerning child abuse and neglect, and domestic abuse in cases involving employees; or
- (5) To medical professionals to whom referrals are being made for evaluation and/or diagnostic assessments.

Also see "Routine Uses" paragraph of the Prefatory Statement published in the **Federal Register**.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper.

##### RETRIEVABILITY:

Individual name.

##### SAFEGUARDS:

All Department of State employees and contractors with authorized access

<sup>15</sup> 17 CFR 200.30-3(a)(12).