

designate if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,<sup>15</sup> the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>16</sup> and Rule 19b-4(f)(6) thereunder.<sup>17</sup>

Under Rule 19b-4(f)(6) of the Act,<sup>18</sup> a proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

The Exchange has requested that the Commission waive the 30-day operative date. The Exchange notes that the proposed rule change is based on the rules of another self-regulatory organization and raises no new policy issues.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and thus designates the proposal as operative upon filing.<sup>19</sup> The Commission notes that the Exchange's proposal is based on a similar proposed rule change adopted by the Chicago Board Options Exchange.<sup>20</sup> That proposal was subject to full notice and comment and no comments were received. Based on this, the Commission believes that it is appropriate to designate the proposal operative upon filing.

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-2009-81 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-Phlx-2009-81. 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. 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-2009-81 and should be submitted on or before October 14, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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## **SOCIAL SECURITY ADMINISTRATION**

**[Docket No. SSA 2008-0060]**

### **Social Security Ruling, SSR 85-3.; Rescission of Social Security Ruling 85-3**

**AGENCY:** Social Security Administration.

**ACTION:** Notice of Rescission of Social Security Ruling.

**SUMMARY:** In accordance with 20 CFR 402.35(b)(1), the Commissioner of Social Security gives notice of the rescission of Social Security Ruling (SSR) 85-3.

**DATES:** *Effective Date:* This rescission will be effective October 23, 2009.

#### **FOR FURTHER INFORMATION CONTACT:**

Joann S. Anderson, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-6716 or TTY 410-966-5609, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

#### **SUPPLEMENTARY INFORMATION:** SSRs

make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, special veterans benefits, and black lung benefits programs. SSRs may be based on determinations or decisions made at all levels of administrative adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, or other interpretations of the law and regulations.

SSR 85-3 states that we do not need to authorize a representative's fee when the following conditions are met:

1. The claimant or beneficiary (including any auxiliaries) is not liable to pay a fee or any expenses, or any part thereof, directly or indirectly, to the representative or to someone else.

2. The entity which pays the fee and expenses incurred, if any, on behalf of the claimant(s) or beneficiary(ies) is a nonprofit organization or a Federal, State, county, or city agency.

3. The payment of the fee and any expenses is made from funds provided or administered by a government entity.

4. The representative submits to SSA a written statement waiving the right to charge and collect a fee and expenses from the claimant or beneficiary.

We are publishing a final rule, Authorization of Representative Fees, in today's **Federal Register** that incorporates this policy as revised at 20

<sup>15</sup> The Exchange has fulfilled this five day requirement.

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A).

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

<sup>18</sup> *Id.*

<sup>19</sup> For purposes only of waiving the operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f). See also 17 CFR 200.30-3(a)(59).

<sup>20</sup> Securities Exchange Act Release No. 59417 (February 18, 2009), 74 FR 8591 (February 25, 2009) (SR-CBOE-2008-115).

<sup>21</sup> 17 CFR 200.30-3(a)(12).

CFR 404.1720(e) and 416.1520(e). Accordingly, we are rescinding SSR 85–3 as obsolete.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; and 96.006, Supplemental Security Income)

Dated: July 30, 2009.

**Michael J. Astrue,**

*Commissioner of Social Security.*

[FR Doc. E9–22843 Filed 9–22–09; 8:45 am]

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Public Comments on Annual Review of Country Eligibility for Benefits Under the African Growth and Opportunity Act

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The African Growth and Opportunity Act Implementation Subcommittee of the Trade Policy Staff Committee (the “Subcommittee”) is requesting written public comments for the annual review of the eligibility of sub-Saharan African countries to receive the benefits of the African Growth and Opportunity Act (AGOA). The Subcommittee will consider these comments in developing recommendations on AGOA country eligibility for the President. Comments received related to the child labor criteria may also be considered by the Secretary of Labor for the preparation of the Department of Labor’s report on child labor as required under section 412(c) of the Trade and Development Act of 2000. This notice identifies the eligibility criteria that must be considered under the AGOA, and lists those sub-Saharan African countries that are currently eligible for the benefits of the AGOA, and those that are currently ineligible for such benefits.

**DATES:** Public comments are due at the Office of the U.S. Trade Representative (USTR) by noon, Monday, October 19, 2009.

**ADDRESSES:** USTR strongly prefers electronic submissions made at <http://www.regulations.gov>, docket number USTR–2009–0034. See “Requirements for Submission,” below. If you are unable to make a submission at [www.regulations.gov](http://www.regulations.gov), please contact Gloria Blue, Executive Secretary, Trade

Policy Staff Committee, at (202) 395–6143 to make other arrangements.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions, please contact Gloria Blue, Office of the U.S. Trade Representative, 600 17th Street, NW., Room F516, Washington, DC, 20508, at (202) 395–3475. All other questions should be directed to Constance Hamilton, Deputy Assistant U.S. Trade Representative for Africa, Office of the U.S. Trade Representative, at (202) 395–9514.

**SUPPLEMENTARY INFORMATION:** The AGOA (Title I of the Trade and Development Act of 2000, Public Law 106–200) (19 U.S.C. 3721 *et seq.*), as amended, authorizes the President to designate sub-Saharan African countries as beneficiary sub-Saharan African countries eligible for duty-free treatment for certain additional products under the Generalized System of Preferences (GSP) (Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) (the “1974 Act”)), as well as for the preferential treatment the AGOA provides for certain textile and apparel articles.

The President may designate a country as a beneficiary sub-Saharan African country eligible for both the additional GSP benefits and the textile and apparel benefits of the AGOA for countries meeting certain statutory requirements intended to prevent unlawful transshipment of such articles, if he determines that the country meets the eligibility criteria set forth in: (1) Section 104 of the AGOA; and (2) section 502 of the 1974 Act. For 2009, 40 countries have been designated as beneficiary sub-Saharan African countries. These countries, as well as the 8 countries currently ineligible, are listed below. Section 506A of the 1974 Act provides that the President shall monitor and review annually the progress of each sub-Saharan African country in meeting the foregoing eligibility criteria in order to determine whether each beneficiary sub-Saharan African country should continue to be eligible, and whether each sub-Saharan African country that is currently not a beneficiary sub-Saharan African country, should be designated as such a country. Section 506A of the 1974 Act requires that, if the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the eligibility requirements, he must terminate the designation of the country as a beneficiary sub-Saharan African country.

The Subcommittee is seeking public comments in connection with the annual review of the eligibility of

beneficiary sub-Saharan African countries for the AGOA’s benefits. The Subcommittee will consider any such comments in developing recommendations on country eligibility for the President. Comments related to the child labor criteria may also be considered by the Secretary of Labor in making the findings required under section 504 of the 1974 Act.

*The following sub-Saharan African countries were designated as beneficiary sub-Saharan African countries in 2009:*

Angola  
Republic of Benin  
Republic of Botswana  
Burkina Faso  
Burundi  
Republic of Cape Verde  
Republic of Cameroon  
Republic of Chad  
Federal Islamic Republic of Comoros  
Republic of Congo  
Democratic Republic of Congo  
Republic of Djibouti  
Ethiopia  
Gabonese Republic  
The Gambia  
Republic of Ghana  
Republic of Guinea  
Republic of Guinea-Bissau  
Republic of Kenya  
Kingdom of Lesotho  
Republic of Liberia  
Republic of Madagascar  
Republic of Malawi  
Republic of Mali  
Republic of Mauritius  
Republic of Mozambique  
Republic of Namibia  
Republic of Niger  
Federal Republic of Nigeria  
Republic of Rwanda  
Sao Tome & Principe  
Republic of Senegal  
Republic of Seychelles  
Republic of Sierra Leone  
Republic of South Africa  
Kingdom of Swaziland  
United Republic of Tanzania  
Republic of Togo  
Republic of Uganda  
Republic of Zambia

*The following sub-Saharan African countries were not designated as beneficiary sub-Saharan African countries in 2009:*

Central African Republic  
Republic of Cote d’Ivoire  
Republic of Equatorial Guinea  
State of Eritrea  
Islamic Republic of Mauritania  
Somalia  
Republic of Sudan  
Republic of Zimbabwe

*Requirements for Submissions:* Comments must be submitted in English. To ensure the most timely and