

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Jill M. Peterson,

Assistant Secretary.

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SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Centers for Medicare and Medicaid Services (CMS) Match Number 1094)

AGENCY: Social Security Administration (SSA).

ACTION: Notice of renewal of an existing computer matching program which expired on September 21, 2003. The next match is scheduled to take place in November 2004.

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 CMS.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives and 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 telefax to (410) 965-8582 or writing to the Associate Commissioner for Income Security Programs, 245 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 Associate Commissioner for Income Security Programs as shown above.

SUPPLEMENTARY INFORMATION:

A. General:

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100-503) amended the Privacy Act (5 U.S.C. 552a) by establishing the conditions under which computer matching involving the 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 Data Integrity Boards' approval of the match agreements;

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

Dated: August 19, 2004.

Martin H. Gerry,

Deputy Commissioner for Disability and Income Security Programs.

Notice of Computer Matching Program, Social Security Administration (SSA) with the Centers for Medicare and Medicaid Services (CMS)

A. *Participating Agencies:* SSA and CMS.

B. *Purpose of the Matching Program:* The purpose of this matching program is to establish the conditions, safeguards and procedures under which CMS agrees to disclose Medicare non-utilization data to SSA. In some instances, if an individual has not used Medicare benefits for an extended period of time, this may indicate that the individual is deceased. SSA will use the selected data as an indicator of cases that should be reviewed to determine continued eligibility to SSA-administered programs.

C. *Authority for Conducting the Matching Program:* Sections 202 (42 U.S.C. 402) and 205(c) (42 U.S.C. 405(c)) of the Social Security Act.

D. *Categories of Records and Individuals Covered by the Matching Program:* SSA will periodically furnish CMS with an electronic finder file containing Title II Claim Account Number (CAN) and Title II Beneficiary Identification Code (BIC) of beneficiaries from SSA's file of Master Beneficiary Records (SSA/OEEAS 60-0090) who receive Medicare.

SSA will request CMS to match the finder file against their National Claims History

(09-70-0005) and the Enrollment Database (09-70-0502) and release an electronic file to SSA containing certain identifying information on enrollees who have not used Medicare for a specified period of a least 12 consecutive months.

E. *Inclusive Dates of the Matching Program:* The matching program shall become effective no sooner than 40 days after notice for the 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 4783]

Advisory Committee on Private International Law Request for Public Comments on a Draft UN Convention on Electronic Commerce

Summary: Comment is sought on a draft UNCITRAL convention (multilateral treaty) on use of electronic messaging in the formation of contracts and related matters. Completion of the convention is possible by the Fall of 2005; it is then optional for member States to accept and implement the convention. Advisory Committee meetings will be held as indicated below; additional meetings will be scheduled after the next UNCITRAL Working Group meeting in mid-October to review changes to the draft text. Persons not able to attend are welcome to provide comments at any time as indicated below.

Request for Comments: The Office of Legal Advisor of the Department of State requests comments on the current and future drafts of a convention under consideration by the United Nations Commission on International Trade Law (UNCITRAL), through its Working Group IV on electronic commerce, designed to promote basic enabling laws on enforceability of electronic messaging related to contractual matters. The draft may encompass default rules on dispatch and receipt, error correction in automated transactions, location for purposes of applying the convention and for determining applicable law, and other matters affecting international electronic transactions within its scope.

Documentation: The current draft, Working Group IV's recent document WP.110, can be obtained on UNCITRAL's Web site at <http://www.uncitral.org> (<http://www.uncitral.org>)

¹¹ 17 CFR 200.30-3(a)(12).

www.uncitral.org/English/workinggroups/wgIVec/index.htm). Commentators may wish to review additional documents therein listed, including reports of prior Working Group meetings, Secretariat analyses, and other matters.

Project Timing: The UNCITRAL Working Group, composed of member and observer States and participants from other governmental and non-governmental organizations, will review the current draft text in mid-October at United Nations offices in Vienna, Austria, and a revised draft is expected to be available for comment by mid-November. The revised text will be reviewed by the Working Group at its next meeting in April 2005 in New York. If sufficient progress has been made and if support from enough countries is evidenced, the text could be finalized at UNCITRAL's annual Plenary session in July 2005. If that is not feasible, a text could be completed at the next succeeding annual plenary session in mid-2006. Once completed and if endorsed by the UN General Assembly, consideration would be given in the United States whether and on what terms to join the new treaty, or implement it in another manner, and whether to promote its adoption by other States.

Overview: As now drafted, the convention is intended to expand a common base-line between participating States of general principles applying to electronic transactional communications. These principles are largely drawn from relevant parts of the 1996 UNCITRAL Model law on Electronic Commerce, as well as similar provisions in uniform state laws and federal law adopted in the United States, including the 1999 Uniform Electronic Transactions Act (UETA), and the Electronic Signatures in Global and National Commerce Act ("E-Sign"), enacted by Congress in 2000. In addition to commercial transactions within its scope that cross State boundaries, the proposed convention would also apply to transactions governed by certain listed UN commercial law conventions and to such other treaties and international agreements as may be agreed upon by participating States. As an overlay to existing laws, the convention would be designed to promote harmonized rules and fill gaps between the laws that may otherwise apply, thus promoting efficiency and certainty in cross-border transactions. Particular notice should be given to certain provisions of the draft convention: Article 2 on general exclusions from the convention; Article 3 on party autonomy, which permits

parties to vary or modify the convention's terms as to their transactions; Article 8, which provides that parties cannot be obligated by this treaty to use e-messages; and Article 18, which allows each country to exclude such further matters as it deems appropriate. Finally, as the present draft indicates, it is expected that a number of optional provisions (called declarations) will permit States to further modify certain provisions from time to time. That flexibility, as well as the optional exclusions in article 18, would allow adjustment of the rules to specific classes of transactional activity, as usages change and the needs of electronic commerce grow over time.

Commentators should take into account the provisions of current laws in the United States noted above, as well as other state and federal law. Attention should also be given to existing legal treatment in other countries and in regional bodies such as the European Union, as well as relevant treaties and international agreements.

Public Comment: Comments can be sent to the Office of the Assistant Legal Adviser for Private International Law of the Department of State in any form addressed to Harold S. Burman (L/PIL) 2430 E Street, NW., Suite 355 South Building, Washington, DC 20037-2800, or by fax to (202) 776-8482, or by e-mail to halburman@aol.com.

Meeting(s): Persons wishing to attend one or more public meetings or to receive direct notice of further convention drafts and other information may do so by contacting Cherise Reid at ReidCD@state.gov or by fax at (202) 776-8482 with their names, contact numbers, including e-mail addresses, and affiliations, if any. Meetings are expected to be scheduled in the week of September 13 in the Washington, DC metropolitan area in conjunction with a forum on CEFAC, a body of the UN's Economic Commission for Europe, and additional meetings are expected to be scheduled after release of the next revised draft convention in November 2004.

Dated: August 24, 2004.

Harold S. Burman,

*Advisory Committee Executive Director,
Department of State.*

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: The FMCSA announces its denial of 51 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck drivers and the reasons for the denials. The FMCSA has statutory authority to exempt individuals from the vision standard if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions does not provide a level of safety that will equal or exceed the level of safety maintained without the exemptions for these commercial motor vehicle drivers.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Doggett, Office of Bus and Truck Standards and Operations, (MC-PSD), (202) 366-4001, Department of Transportation, FMCSA, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.s.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the Federal vision standard for a renewable two year period if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption (49 CFR 381.305(a)).

Accordingly, FMCSA evaluated 51 individual exemption requests on their merits and made a determination that these applicants do not satisfy the criteria established to demonstrate that granting an exemption is likely to achieve an equal or greater level of safety than exists without the exemption. Each applicant has, prior to this notice, received a letter of final disposition on his/her individual exemption request. Those decision letters fully outlined the basis for the denial and constitute final agency action. The list published today summarizes the agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reason for denials.