

[FR Doc. 01-4862 Filed 2-27-01; 8:45 am]

BILLING CODE 3110-01-P

OVERSEAS PRIVATE INVESTMENT CORPORATION**Sunshine Act Meeting****AGENCY:** Overseas Private Investment Corporation.**PURPOSE:** Public Hearing in conjunction with quarterly meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 66 FR 11188, February 22, 2001.**CHANGES IN THE MEETING:** Public Hearing originally scheduled for 2:00 p.m., Thursday, March 8, 2001 postponed.

The Public Hearing previously scheduled for 2 p.m. on Thursday, March 8, 2001 has been postponed until further notice.

Connie M. Downs,*Corporate Secretary, Overseas Private Investment Corporation.*

[FR Doc. 01-4935 Filed 2-23-01; 4:40 pm]

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PENSION BENEFIT GUARANTY CORPORATION**Agency Information Collection Activities: Submission of Information Collection for OMB Review—Termination of Single Employer Plans; Missing Participants; PBGC Forms 500-501, 600-602****AGENCY:** Pension Benefit Guaranty Corporation.**ACTION:** Notice of request for extension of OMB approval.**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") is requesting that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of a collection of information in its regulations on Termination of Single Employer Plans and Missing Participants, and implementing forms and instructions (OMB control number 1212-0036, expires March 31, 2001.) This notice informs the public of the PBGC's request and solicits public comment on the collection of information.**DATES:** Comments should be submitted by March 30, 2001.**ADDRESSES:** Comments should be mailed to the Office of Information and

Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. Copies of the request for extension (including the collection of information) are available from the Communications and Public Affairs Department of the Pension Benefit Guaranty Corporation, suite 240, 1200 K Street, NW., Washington, DC, 20005-4026, between 9 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005-4026; 202-326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)**SUPPLEMENTARY INFORMATION:** Under section 4041 of the Employee Retirement Income Security Act of 1974, as amended, a single-employer pension plan may terminate voluntarily only if it satisfies the requirements for either a standard or a distress termination. Pursuant to ERISA section 4041(b), for standard terminations, and section 4041(c), for distress terminations, and the PBGC's termination regulation (29 CFR part 4041), a plan administrator wishing to terminate a plan is required to submit specified information to the PBGC in support of the proposed termination and to provide specified information regarding the proposed termination to third parties (participants, beneficiaries, alternate payees, and employee organizations). In the case of a plan with participants or beneficiaries who cannot be located when their benefits are to be distributed, the plan administrator is subject to the requirements of ERISA section 4050 and the PBGC's missing participants regulation (29 CFR part 4050). (These regulations may be accessed on the PBGC's web site at <http://www.pbgc.gov>.)

The collection of information under these regulations and implementing forms and instructions has been approved by OMB under control number 1212-0036 (expires March 31, 2001). The PBGC is requesting that OMB extend its approval for three years.

The PBGC estimates that 1,564 plan administrators will be subject to the collection of information requirements in the PBGC's termination and missing participants regulations and implementing forms and instructions each year, and that the total annual burden of complying with these requirements is 2,246 hours and \$1,864,600. (Much of the work

associated with terminating a plan is performed for purposes other than meeting these requirements.)

Issued in Washington, DC, this 23rd day of February, 2001.

Stuart A. Sirkin,*Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.*

[FR Doc. 01-4898 Filed 2-27-01; 8:45 am]

BILLING CODE 7708-01-P

SECURITIES AND EXCHANGE COMMISSION**[Release No. 34-43994; File No. SR-PHLX-01-13]****Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Fees for Transactions Executed Through the eVWAP Trading System**

February 22, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 29, 2001, the Philadelphia Stock Exchange, Inc. ("Exchange" or "Phlx") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Phlx. Phlx filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,³ and Rule 19b-4(f)(2) thereunder.⁴ Pursuant to Rule 19b-4(f)(2), Phlx has designated this proposal as one changing a due, fee or charge imposed by the Exchange. As such, the proposed rule change is immediately effective upon the Commission's receipt of this filing. 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**Pursuant to Rule 19b-4 of the Act, Phlx is revising its fee schedule governing transactions executed through the Volume Weighted Average Price ("VWAP"),⁵ Trading System ("eVWAP").⁶¹ 15 U.S.C. 78s(b)(1).² 17 CFR 240.19b-4.³ 15 U.S.C. 78s(b)(3)(A).⁴ 17 CFR 240.19b-4(f)(2).⁵ VWAP is registered trademark of the Universal Trading Technologies Corporation ("UTTC").⁶ eVWAP™ was developed by UTTC, and was approved by the Commission to operate as a facility

Continued

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

In its filing with the Commission, Phlx 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. Phlx 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

The purpose of the proposed rule change is to amend the Exchange's current fee schedule for eVWAP transactions. The eVWAP is a pre-opening order matching session for the electronic execution of large-sized stock orders at a standardized VWAP price ("eVWAP Price").⁷ The Exchange established the initial eVWAP fee schedule in July, 1999.⁸ The revised fee schedule, like the current schedule, will apply to Phlx member firms who will be billed and held responsible for paying such fees. The revised fee schedule was effective on February 1, 2001. The Phlx endeavored to issue a notice to its members of the revised fee schedule before its effectiveness on February 1, 2001.

The Phlx has been advised by UTTC that the demand that exists for eVWAP is price sensitive to transaction costs. Therefore, the Phlx believes that the revised fee schedule should encourage greater use of the eVWAP system.

Fees will continue to vary depending upon the ultimate user (e.g., institutional, broker-dealer, Committer), type of trade (e.g., cross versus non-cross), and volume of user activity. The fee schedule amendments are as follows:

1. Institutional user and retail customer (non-cross trades and direct access):

- 0 to 10 million shares per year changed to 0 to 750,000 shares per month: \$0.02 per share changed to \$0.015 per share.

of the Exchange. See Securities Exchange Act Release No. 41210 (March 24, 1999), 64 FR 15857 (April 1, 1999) (SR-Phlx-96-14). The Commission approved the facility to operate as a pilot program until November 30, 2001. See Securities Exchange Act Release No. 43477 (October 23, 2000), 65 FR 64734 (October 30, 2000) SR-Phlx-00-84).

⁷ See Phlx Rule 237.

⁸ See Securities Exchange Act Release No. 41646 (July 23, 1999), 64 FR 41480 (July 30, 1999) (SR-Phlx-99-21).

- Greater than 10 million shares to 20 million shares per year changed to greater than 750,000 shares to 1.5 million shares per month: \$0.015 per share changed to \$0.01 per share.

- Greater than 20 million shares per year changed to greater than 1.5 million shares per month: \$0.01 per share changed to \$0.005 per share.⁹

2. Institutional user and retail customer (cross trades):

- Intra-firm: changed from \$0.005 to \$0.00125 per share.¹⁰

- Inter-firm: changed from \$0.01 to \$0.00125 per share.¹¹

3. Non-member/non-institutional user category, along with its \$0.015 per share fee, is eliminated.

4. Enrolled¹² specialist or alternate specialist Committer: No charge.

5. Enrolled member off-floor liquidity provider: changed from \$0.01 per share to no charge.

6. Ad hoc¹³ Committer or liquidity provider: \$0.005 per share.

7. Member user category, along with its \$0.01 per share fee, is eliminated.

8. Broker-dealer user (not enrolled as Committer) category added:

- Principal trades: \$0.005 per share
- Agency trades (entered by broker) 0 to 1.5 million shares per month: \$0.01 per share

- Greater than 1.5 million shares per month: \$0.005 per share.¹⁴

The proposed rule change is consistent with Section 6(b)(4) of the Act in that it provides for the equitable allocation of reasonable fees and other charges among members using eVWAP. The Exchange further believes that the proposed fee schedule amendments should help attract increased participation and order flow to the system.

⁹ The proposed monthly volume discounts are not graduated and if a user reaches a discount threshold, the user's entire eVWAP trades for the month in the category receive the benefit of the fee discount.

¹⁰ Intra-firm cross trades refer to cross trades where the identified contra-sides are from the same firm. Because the same firm is on both sides of an intra-firm cross trade, the proposed \$0.00125 per share fee applies to each side, thus totaling \$0.0025 per share.

¹¹ Intra-firm cross trades refer to cross trades where the identified contra-sides are from different firms.

¹² Enrolled committers enter liquidity commitments on a good-till cancelled basis.

¹³ Ad hoc Committers or liquidity providers enter liquidity commitments on a day-only basis.

¹⁴ The broker-dealer category applies to both member and non-member broker-dealers. A broker-dealer's principal trade volume will be included with its agency trade volume in calculating such broker-dealer's monthly agency trade volume discount. These volume discounts likewise are not graduated.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Phlx does not believe that the proposed rule change will result in any burden on completion 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

Written comments were neither solicited nor received.

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

Because the foregoing rule changes a due, fee or charge imposed upon by the Exchange, it has become effective pursuant to Section 19(b)(3)(A)¹⁵ of the Act and Rule 19b-4(f)(2)¹⁶ thereunder. At any time within 60 days of the filing of such 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 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. 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 such filing will also be available for inspection and copying at the principal office of Phlx. All submissions should refer to SR-Phlx-01-13 and should be submitted by March 21, 2001.

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁷

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01-4843 Filed 2-27-01; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Privacy Act System of Records Notice

AGENCY: Small Business Administration.

ACTION: Notice of new system of records.

SUMMARY: The Small Business Administration is adding a new system of records to the Agency's Privacy Act System of Records. The new system is called "Cost Allocation Data System" (CADS). The purpose of CADS is to collect uniform information on employee time and Agency costs for the Office of the Chief Financial Officer. It collects the percentage (%) of time that each SBA employee spent on administering the various SBA programs and activities via a web-based survey. Later, the survey result is matched against the Agency payroll file based on the employee's Social Security Number, first and last name. Data collected is to be used to develop accurate cost data for Agency's various programs and activities. It supports the Agency's budget, financial reporting and the Government Performance & Results Act (GPRA) requirements. Generally, designated Program Managers in Headquarters and the District Directors will have access to individual survey results for quality assurance purpose. They will also have access to loan program data for management analysis. **DATES:** The new system will be effective without further notice, unless comments are received that result in a need for modification.

ADDRESSES: Address comments to Joseph Lodo, Chief Financial Officer, Office of the Chief Financial Officer, Small Business Administration, 409 3rd Street, SW., Suite 6000, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Joseph Lodo, Chief Financial Officer, Office of the Chief Financial Officer, (202) 205-6449.

SBA 175

SYSTEM NAME:

Cost Allocation Data System (CADS), U.S. Small Business Administration (SBA).

SYSTEM LOCATION:

Office of the Chief Financial Officer, SBA Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual information on all SBA employees, i.e., name, social security number, office code, employee's pay data, employee's survey result on the percentage (%) of time spent on administration of the various SBA programs and activities. Also, the Agency-wide costs, i.e., rent, postage, telecommunications, centralized printing, centralized training, employees' relocation costs, credit report costs, performance management appraisal system (PMAS) awards, contractors costs, Agency loan count and SBA employment full time equivalent (FTE) count.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 (Records Management by Federal Agencies), Pub. L. 101-576 (CFO Act) and Pub. L. 103-62 (Results Act).

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

These records may be used, disclosed, or referred:

(a) To the Agency cost contractor for use in the Agency's cost accounting activity.

(b) To a Congressional office from an individual's record when the office is inquiring on the individual's behalf. The Member's access rights are no greater than the individual's.

(c) To the Federal, state, local or foreign agency or organization which investigates, prosecutes, or enforces violations, statues, rules, regulations, or orders issued when an Agency identifies a violation or potential violation of law, arising by general or program statute, or by regulation, rule, or order.

(d) To Agency volunteers and interns for use in their official duties.

(e) To the Department of Justice (DOJ) when:

(1) The agency, or any component thereof; or

(2) Any employee of the Agency in his or her official capacity; or

(3) Any employee of the Agency in his or her official capacity where the DOJ has agreed to represent the employee; or

(4) The United States Government, where the Agency determines that litigation is likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by

the DOJ is deemed by the Agency to be relevant and necessary to the litigation, provided, however, that in each case, the Agency determines that disclosure of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(f) To disclose them in a proceeding before a court or adjudicative body before which the Agency is authorized to appear, when:

(1) The Agency, or any component thereof; or

(2) Any employee of the Agency in his or her official capacity; or

(3) Any employee of the Agency in his or her individual capacity where the Agency has agreed to represent the employee; or

(4) The United States Government, where the Agency determines that litigation is likely to affect the Agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the Agency determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

The electronic form is maintained in a database which is behind the Agency's firewall.

RETRIEVABILITY:

The employee's Social Security Number, and first and last name retrieve survey result.

SAFEGUARDS:

Access and use of the CADS are accomplished via the use of a restricted password. Access and use are limited to Project Lead and Group members and only those other Agency employees whose official duties require such access.

RETENTION AND DISPOSAL:

In accordance with SBA SOP 00 41 2, Item #65:06, these records are retained a minimum of 3 years and generally destroyed 3 years after last update.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, Office of the Chief Financial Officer, Small Business Administration, 409 3rd Street, SW., Suite 6000, Washington, DC 20416.

¹⁷ 17 CFR 200.30-3(a)(12).