

MAQ data are imported into eMAP, MAP sites will no longer use MAP version 1.

The proposed amendments are not expected to diminish individual privacy rights. Only authorized users who have an official need-to-know in the performance of their job functions will be allowed access to the application or will have the ability to review the medical information. Access to computer data will be restricted through the use of computer password security and data encryption. Printed copies of questionnaires and medical information will be stored in locked file cabinets with restricted access.

Pursuant to 5 U.S.C. 552a(e)11, interested persons are invited to submit written data, views, or arguments on this proposal. A report of the amendments has been sent to the Congress and to the Office of Management and Budget for their evaluation. It is proposed that the system description be amended as follows:

#### USPS 120.090

##### SYSTEM NAME:

Personnel Records—Medical Records, 120.090.

##### SYSTEM LOCATION:

[CHANGE TO READ]

Postal Service medical facilities and designee offices, Postal Service Corporate Health and Fitness Center (L'Enfant Plaza location only), and Postal Service personnel offices (rosters of examinees scheduled for medical assessment only).

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

[CHANGE TO READ]

Present and former Postal Service employees and individuals who have been offered employment but failed the medical examination before being placed on the rolls, or who declined the offer; and any Headquarters employees who participate in the Corporate Health and Fitness Program.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ]

Name, address, job title, Social Security number, installation, illness, supervisor's and physician's reports (on Authorizations for Medical Attention); relevant medical history and medical assessments including physical examinations, treatment received at the health unit, occupational injuries or illnesses, substance abuse information, findings, diagnosis and treatment, doctors' statements and recommendations, records of

immunizations, and medical findings related to employee's exposure to toxic substances. In addition, Headquarters employees who participate in the Corporate Health and Fitness Program will voluntarily provide data about their lifestyle, exercise schedule, smoking habits, knowledge about personal health, personal and family medical history, nutrition, stress levels, and other data relevant to making a health risk appraisal. Records of participant employees' individualized schedules and progress may be kept.

##### STORAGE:

[CHANGE TO READ]

Preprinted forms, paper files (Official Medical Folders), and magnetic tapes or disks (candidate medical assessments); preprinted forms, paper files, and hard copy computer storage (Corporate Health and Fitness Center records) are stored in limited access areas with appropriate physical and environmental controls to ensure the confidentiality and physical integrity of the information.

##### RETRIEVABILITY:

[CHANGE TO READ]

Employee name, Social Security number, and location.

##### SAFEGUARDS:

[CHANGE TO READ]

Printed copies of medical records are kept in locked file cabinets with controlled physical access, restricted to individuals who need to know the information in performance of their job functions. Access to computer data is restricted to authorized personnel with a need to know the information in the performance of their job functions and is protected through computer password controls and data encryption. Access to automated Corporate Health and Fitness Center records is restricted by password protection to medical screening personnel and health and fitness specialists under contract to operate the Corporate Health and Fitness Program facility at Headquarters.

##### RETENTION AND DISPOSAL:

[CHANGE TO READ]

a. Employee Medical Folder (EMF)—Medical records considered permanent are maintained until the employee is separated from the Postal Service, and then the records are sent to the National Personnel Records Center for storage or to the federal agency that now employs the individual. The records are kept for 30 years from the date the employee separates from federal service. Security and privacy of the EMF is safeguarded by the processes and procedures

described in Postal Service Management Instruction EL-860-98-2, Employee Medical Records. Computer data is archived from the active database to a history database after 3 years and retained in the history database indefinitely.

b. Candidate medical information of failed eligibles (and those who cleared but ultimately declined the offer)—Candidate medical information, which includes the medical history questionnaire, answer sheet containing the candidate's responses, copy of job application, job description and functional requirements, and supporting medical information acquired in the process of reaching a medical determination of ability to work is retained in the medical office and destroyed by shredding after 2 years. Computer data are archived from the active database to a history database after 3 years and retained in the history database indefinitely.

c. Authorization for Medical Attention (Form 3956)—The form is destroyed after 2 years.

d. Corporate Health and Fitness Center records—The record is retained by the contractor operating the Health and Fitness Center until termination of the contract, at which time the record must be returned to the Postal Service.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-45045; File No. SR-Amex-2001-94]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC to Increase to Two Hundred and Fifty the Maximum Permissible Number of Equity and Index Option Contracts Executable Through AUTO-EX

November 7, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on October 29, 2001, the American Stock Exchange LLC ("Amex" 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 been prepared by the Amex. The

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

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

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 Amex proposes to increase to 250 contracts the maximum permissible number of equity and index option contracts in an order executable through its automatic execution system, AUTO-EX. The text of the proposed rule change is available at the Office of the Secretary, Amex 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 Amex 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 Amex 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**

In 1985, the Exchange implemented the AUTO-EX system, which automatically executes public customer market and marketable limit orders in options at the best bid or offer displayed at the time the order is entered into the Amex Order File ("AOF"). There are, however, limitations on the number of option contracts that can be entered into or executed by these systems. AOF, which handles limit orders routed to the specialist's book as well as orders routed to AUTO-EX, was recently increased to allow for the entry of orders of up to 2500 option contracts.<sup>3</sup> AUTO-EX, however, is only permitted to execute equity option orders and index option orders of up to 100 contracts.<sup>4</sup> Thus, market and marketable limit orders of more than 100 contracts are routed by AOF to the specialist's book.

The Exchange now proposes to increase to 250 contracts the maximum permissible number of equity and index options contracts in an order that can be executed through the AUTO-EX system. It is proposed that this increase to 250

contracts in permissible order size for AUTO-EX be implemented on a case-by-case basis for an individual option class or for all option classes when two floor governors or senior floor officials deem such an increase appropriate. Currently, the Amex posts applicable quote size parameters on its web page. The Exchange represents that it has sufficient systems capacity necessary to accommodate implementation of the proposed increase.

The Exchange represents that AUTO-EX has been extremely successful in enhancing execution and operational efficiencies during emergency situations and during other, non-emergency situations for certain option class. The Exchange believes that automatic executions of orders for up to 250 contracts will allow for the quick, efficient execution of public customer orders.

##### **2. Statutory Basis**

The proposed rule change is consistent with section 6(b)<sup>5</sup> of the Act, in general, and furthers the objectives of section 6(b)(5),<sup>61</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

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

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

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

### **IV. Solicitation of Comments**

The Commission invites interested persons to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change 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 the Amex. All submissions should refer to File No. SR-Amex-2001-94 and should be submitted by December 6, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

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## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-45047; File No. SR-NASD-20001-77]

### **Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposal to Permit SuperSOES To Trade Through the Quotations of UTP Exchanges That Do Not Participate in the Nasdaq National Market Execution Service**

November 8, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup>

<sup>3</sup> See Securities Exchange Act Release No. 44065 (March 12, 2001), 66 FR 15513 (March 19, 2001).

<sup>4</sup> See Securities Exchange Act Release No. 43887 (January 25, 2001), 66 FR 8831 (February 2, 2001).

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

<sup>61</sup> 15 U.S.C. 78f(b)(5).

<sup>7</sup> 17 CFR 200.30-3(a)(12).

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

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