

must cease by December 31, 2002, and these meters must be off the market *and withdrawn from service* by December 31, 2006. *Prior to the signing of a contract for the new placement of any nonenhanced CMRS non-digitally printing meter, the manufacturer placing the meter must notify the customer that the meter must be withdrawn from service by December 31, 2006.* Phase IV of the proposed plan requires that the customers of enhanced CMRS letterpress meters *must be notified of the schedule for the retirement of their meters by June 30, 2003.* The placement of enhanced CMRS letterpress meters must cease by June 30, 2004, and these meters must be off the market *and withdrawn from service* by December 31, 2008. *Prior to the signing of a contract for the new placement of any enhanced CMRS non-digitally printing meter, the manufacturer placing the meter must notify the customer that the meter must be withdrawn from service by December 31, 2008.*

**Stanley F. Mires,**

Chief Counsel, Legislative.

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## POSTAL SERVICE

### Privacy Act of 1974, Systems of Records

**AGENCY:** Postal Service.

**ACTION:** Advance notice of amendment to an existing system of records with the deletion of two general routine uses, and the addition of two new routine uses.

**SUMMARY:** The Postal Service proposes to amend Postal Service Privacy Act System of Records, 140.020, Postage—Postage Evidencing System Records. The proposed amendments reflect the collection and use of data to authorize and process the purchase of postage by credit cards for certain postage evidencing systems. This notice amends the following sections to reflect the acceptance of credit cards: Categories of records in the system; routine uses of records maintained in the system, including categories of users and the purposes of such uses; safeguards; notification procedure and record source categories.

**DATES:** This proposal will become effective without further notice on March 15, 2002, unless comments received on or before that date result in a contrary determination.

**ADDRESSES:** Mail or deliver written comments to the Records Office, U.S. Postal Service, Room 5846, 475 L'Enfant Plaza, SW, Washington, DC 20260-5846. You can view or make copies of all written comments between 8 a.m. and 4 p.m., Monday through Friday, at the same address.

**FOR FURTHER INFORMATION CONTACT:** Susie Travers, Records Office, 202-268-3362.

**SUPPLEMENTARY INFORMATION:** The Postal Service revised the Privacy Act system of records in USPS 140.020, Postage—Postage Evidencing System Records, in a notice published in the **Federal Register** on June 26, 2000, (65 FR 39446-39447). The revision further limited the categories of records covered. It was determined that only destinating five-digit ZIP Code information was needed to accomplish the system purpose.

The Postal Service is publishing this notice to expand the categories of records covered by the system to collect data for the acceptance of credit cards to include the credit card number, credit card expiration date, and credit card transaction number. The Postal Service is deleting general routine use (a), which is being replaced by new routine use 4, and routine use (m), because it is not necessary to share this information with the labor organizations. Routine use 3 is added to reflect how information may be disclosed for the purpose of authorizing and processing the purchase of postage by credit card. Routine use 4 permits disclosure for law enforcement purposes only pursuant to a Federal search warrant.

In addition to the protections imposed by the Privacy Act, the Postal Reorganization Act imposes restrictions on the disclosure of information of the type kept within system USPS 140.020. The Privacy Act prohibits the Postal Service from disclosing lists of postal customers or other persons.

For the above reasons, the Postal Service proposes to amend the following system:

#### USPS 140.020

##### SYSTEM NAME:

Postage—Postage Evidencing System Records, 140.020.

\* \* \* \* \*

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

[CHANGE TO READ]

Customer name and address, change of address information, corporate business customer information (CBCIS) number, business profile information, estimated annual postage and annual percentage of mail by type, type of usage

(customer, postal, or government), post office where mail is entered, license number, date of issuance, ascending and descending register values, device identification number, device model number, certificate serial number, amount and date of postage purchases, credit card number, credit card expiration date, credit card transaction number, address verification service (AVS) response from credit card processor, credit card issuer authorization code, credit card billing address, amount of unused postage refunded, contact telephone number, date, destinating five-digit ZIP Code and rate category of each indicium created, and transaction documents.

\* \* \* \* \*

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

[CHANGE TO READ]

General routine use statements b, c, d, e, f, g, h, and j listed in the prefatory statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

\* \* \* \* \*

[ADD]

3. Records or information from this system may be disclosed to the Postal Service's designated credit card processor for the purpose of authorizing and processing the purchase of postage by credit card.

4. Information from this system may be disclosed for law enforcement purposes to a government agency, either Federal, State, local, or foreign, only pursuant to a federal warrant duly issued under Rule 41 of the Federal Rules of Criminal Procedure. See *Administrative Support Manual (ASM)* 274.6 for procedures relating to search warrants.

\* \* \* \* \*

#### SAFEGUARDS:

[CHANGE TO READ]

Paper records and computer storage media are maintained in closed file cabinets in secured facilities; automated records are protected by computer password. Information obtained from users over the Internet is transmitted electronically to the Postal Service by authorized postage evidencing system providers via a virtual, private network.

\* \* \* \* \*

#### NOTIFICATION PROCEDURE:

[CHANGE TO READ]

Individuals wanting to know whether information about them is maintained in this system of records must address inquiries in writing to: Manager, Postage

Technology Management, United States Postal Service, 1735 North Lynn Street, Room 5011, Arlington, VA 22209-6054. When making this request, an individual must supply the license number and his or her name as it appears on the postage evidencing system license.

\* \* \* \* \*

**RECORD SOURCE CATEGORIES:**

[CHANGE TO READ]

License applications, licenses, postal officials administering postage evidencing systems, postage evidencing system activity reports, refund requests for unused postage, credit card transactions, postage evidencing system resetting reports, log file entries, and authorized service providers of postage evidencing systems.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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**SECURITIES AND EXCHANGE COMMISSION**

**Proposed Collection; Comment Request**

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

**Extension:**

Rule 101; SEC File No. 270-408; OMB Control No. 3235-0464

Rule 102; SEC File No. 270-409; OMB Control No. 3235-0467

Rule 103; SEC File No. 270-410; OMB Control No. 3235-0466

Rule 104; SEC File No. 270-411; OMB Control No. 3235-0465

Rule 17a-2; SEC File No. 270-189, OMB Control No. 3235-0201

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

**Rule 101 (Activities by Distribution Participants) and Rule 102 (Activities by Issuers and Selling Security Holders During a Distribution)**

Rules 101 and 102 prohibit distribution participants, issuers, and selling security holders from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by these rules may seek to use several applicable exceptions such as a calculation of the average daily trading volume of the securities in distribution, the maintenance of policies

regarding information barriers between their affiliates, and the maintenance of a written policy regarding general compliance with Regulation M for de minimis transactions. The Commission estimates that 1,358 respondents collect information under Rule 101 and that approximately 31,079 hours in the aggregate are required annually for these collections. In addition, the Commission estimates that 669 respondents collect information under Rule 102 and that approximately 1,569 hours in the aggregate are required annually for these collections.

**Rule 103 (Nasdaq Passive Market Making)**

Rule 103 permits passive market making in Nasdaq securities during a distribution. A distribution participant that seeks use of this exception would be required to disclose to third parties its intention to engage in passive market making. The Commission estimates that 171 respondents collect information under Rule 103 and that approximately 171 hours in the aggregate are required annually for these collections.

**Rule 104 (Stabilizing and Other Activities in Connection With an Offering)**

Rule 104 permits stabilizing by a distribution participant during a distribution so long as the distribution participant discloses information to the market and investors. This rule requires disclosure in offering materials of the potential stabilizing transactions and that the distribution participant inform the market when a stabilizing bid is made. It also requires the distribution participants (i.e., the syndicate manager) to maintain information regarding syndicate covering transactions and penalty bids and disclose such information to the SRO. The Commission estimates that 519 respondents collect information under Rule 104 and that approximately 51.9 hours in the aggregate are required annually for these collections.

**Rule 17a-2 (Recordkeeping Requirements Relating to Stabilizing Activities)**

Rule 17a-2 requires underwriters to maintain information regarding stabilizing activities, syndicate covering transactions, and penalty bids. The Commission estimates that 519 respondents collect information under Rule 17a-2 and that approximately 2,595 hours in the aggregate are required annually for these collections.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology,

Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 6, 2002.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-3490 Filed 2-12-02; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-45418; File No. SR-Amex-2001-96]

**Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the American Stock Exchange LLC Relating to Amex Rule 933**

February 7, 2002.

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 November 2, 2001, the American Stock Exchange LLC ("Amex" or "Exchange") 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 the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Amex proposes to amend Exchange Rule 933 to provide that: (1) An Auto-Ex eligible order for any account in which the same person is directly or indirectly interested may only be entered at intervals of no less than 15 seconds between entry of each such order in an option issue; and (2) members and member organizations are responsible for establishing procedures to prevent orders in an option issue for any account in which the same person is directly or indirectly interested from being entered at intervals of less than 15 seconds.

Below is the text of the proposed rule change. Proposed new language is *italicized*; proposed deleted language is [bracketed].

\* \* \* \* \*

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

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