

No adjustment would be made, however, if the adjustment would amount to less than \$0.125 per share.

Conforming changes have been made to Interpretation and Policy .08 of Article XII, Futures and Futures Options, Section 3, which covers adjustments to stock futures on fund shares and parallels the provisions of Interpretation and Policy .08 of Article VI, Section 11. In addition, technical changes have been made to Interpretation .08 of Article VI, Section 3 to (i) fix garbled text as originally filed in SR-OCC-2001-07 and approved by the Commission<sup>11</sup> and (ii) delete the term "stock" as a modifier for "fund shares" in order to further conform the Interpretation to the changes proposed in SR-OCC-2002-22 and approved by the Commission.<sup>12</sup>

OCC believes that the proposed rule change is consistent with the purposes and requirements of Section 17A of the Act, as amended, because it codifies exceptions to OCC's adjustment policies made by adjustment panels of the Securities Committee that were intended to promote fairness to buyers and sellers of options contracts, the maintenance of fair and orderly markets, and consistency of interpretation and practice.

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

OCC does not believe that the proposed rule change would impose any burden on competition.

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

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

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

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(iii) of the Act<sup>13</sup> and Rule 19b-4(f)(4)<sup>14</sup> promulgated thereunder because the proposal effects a change in an existing service of OCC that (A) does not adversely affect the safeguarding of securities or funds in the custody or control of OCC or for which it is responsible and (B) does not

significantly affect the respective rights or obligations of OCC or persons using the service. At any time within sixty 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-OCC-2004-18 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-OCC-2004-18. 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 Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at <http://www.optionsclearing.com>. 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-OCC-2004-18 and should be submitted on or before November 19, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. E4-2907 Filed 10-28-04; 8:45 am]

**BILLING CODE 8010-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**Privacy Act of 1974: System of Records**

**AGENCY:** Department of Transportation, Office of the Secretary.

**ACTION:** Notice to establish a system of records.

**SUMMARY:** DOT proposes to establish a new system of records under the Privacy Act of 1974.

**EFFECTIVE DATE:** December 8, 2004. If no comments are received, the proposal will become effective on the above date. If comments are received, the comments will be considered and, where adopted, the documents will be republished with changes.

**ADDRESSES:** Address all comments concerning this notice to Yvonne L. Coates, Department of Transportation, Office of the Secretary, 400 7th Street, SW., Washington, DC 20590, (202) 366-6964 (telephone), (202) 366-7024 (fax) [Yvonne.Coates@ost.dot.gov](mailto:Yvonne.Coates@ost.dot.gov) (Internet address).

**FOR FURTHER INFORMATION CONTACT:** Theresa Rowlett, (202) 385-2323, Chief, Business Information and Operations Division, Federal Motor Carrier Safety Administration.

**SUPPLEMENTARY INFORMATION:** The Department of Transportation system of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the above mentioned address.

**SYSTEM NUMBER:**  
DOT/FMCSA 04.

**SYSTEM NAME:**  
Safety Violation and Consumer Complaint Safety Hotline Database.

**SECURITY CLASSIFICATION:**  
Unclassified, sensitive.

<sup>11</sup> See Securities Exchange Act Release No. 44727 (August 20, 2001), 66 FR 45351 (August 28, 2001).

<sup>12</sup> See Securities Exchange Act Release No. 46914 (November 26, 2002), 67 FR 72261 (December 4, 2002).

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>14</sup> 17 CFR 240.19b-4(f)(4).

<sup>15</sup> 17 CFR 200.30-3(a)(12).

**SYSTEM LOCATION:**

The system is located at the Computing Technology, Inc. (CoTs), 3028 Javier Road, Suite 400, Fairfax, Virginia. The office is under the direction and supervision of the Office of Communications (MC-CM), Federal Motor Carrier Safety Administration (FMCSA).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM OF RECORDS:**

Individuals who have filed Safety and/or Commercial complaints. Complaints filed are the results of alleged violations of safety and/or commercial regulations. The majority of commercial complaints filed are against household goods (HHG) movers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records and reports in this system may include:

1. HHG commercial complaints
2. Acknowledgement letter to complainant
3. Notification letter to carrier
4. Commercial HHG press release setup
5. HHG carrier complaint history
6. HHG complaints searches (DOT#, MC#, State, Tracking#, Complainant, Respondent, Date)
7. Safety violations reports
8. Safety violations and commercial report generator

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

49 U.S.C. 314104, 49 U.S.C. 14702.

**PURPOSES:**

The system has multiple purposes. First, the data collected will provide FMCSA with statistical information regarding commercial motor carriers, in particular the household goods moving industry. Using this information, FMCSA will target motor carriers with high levels of complaints for enforcement actions. The information will be used to promote compliance with Federal Motor Carrier Safety and Commercial Regulations. In addition, this statistical information will be used to develop guidance and direction for the general public—identifying the most common problems and the means to avoid them. This information will also be used to develop and maintain a list of problem movers. This information will be made public so that consumers can avoid using these problem companies.

Lastly, this information will be used, at the complainant's discretion, to assist in reconciling complaints. The mover will be informed of the complaint and will be encouraged to resolve the issue with the complainant.

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

See Prefatory Notice of General Routine Uses.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The data within the Safety Violation and Consumer Household Goods Complaint Hotline database is stored within a Microsoft Access 2000 database. Direct access to the database from the Internet is protected and blocked via our multi-layering architecture. Access to the data is protected by using username and password authentication of only FMCSA approved users. Usernames and passwords follow the DOT standards for creation and refreshing periods of 90 days. The communication during user authentication and throughout the authorized user's access to the website and database is encrypted using 128-Bit Secure Socket Layer (SSL).

Files are stored at Computing Technology, Inc. (CoTs), 3028 Javier Road, Suite 400, Fairfax, Virginia. Back up copies of this information are stored at FMCSA's offices at 400 Virginia Avenue, SW., Suite 340, Washington, DC.

**RETRIEVABILITY:**

Records are maintained and retrieved by the following: complainant name, respondent name, secondary respondent name, motor carrier number, DOT number, tracking number, date, and state.

**SAFEGUARDS:**

To safeguard against the risk of unauthorized disclosure, CoTs maintains the information at secured facilities in limited access areas. The data on the systems are software-protected by passwords. There are also nightly backups to protect the database. CoTs limits access to the system to designated authorized personnel.

**RETENTION AND DISPOSAL:**

The complaint files are retained at CoTs by the system administrator. All files received by the Safety Violations and Commercial Consumer Hotline are retained in compliance with agency records control schedules. Complaints received by mail from FMCSA are recorded to the online database and returned to FMCSA. CoTs complies with all requirements of the National

Archives and Records Administration (NARA) relative to records retention and control. NARA regulations indicate that electronic files created to monitor system usage are authorized for erasure or deletion when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes.

**MANAGER(S) AND ADDRESS:**

Federal Motor Carrier Safety Administration, Office of Communications, 400 7th Street, SW., (MC-CM), Washington, DC 20590

**NOTIFICATION PROCEDURE:**

Federal Motor Carrier Safety Administration, Business Information and Operations Division, 400 7th Street, SW., MC-MBI, Washington, DC 20590

**RECORD ACCESS PROCEDURES:**

Federal Motor Carrier Safety Administration, Office of Communications, 400 7th Street, SW., (MC-CM), Washington, DC 20590.

**CONTESTING RECORD PROCEDURES:**

Federal Motor Carrier Safety Administration, Business Information and Operations Division, 400 7th Street, SW., MC-MBI, Washington, DC 20590.

**RECORD SOURCE CATEGORIES:**

Consumers, motor carriers and brokers.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: October 25, 2004.

**Yvonne L. Coates,**

*Privacy Act Coordinator.*

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**BILLING CODE 4910-62-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Intent To Rule on Request To Release Airport Property at the Deer Park Municipal Airport, Deer Park, WA**

**ACTION:** Notice of request to release airport property.

**SUMMARY:** The FAA proposes to rule and invite public comment on the release of land at Deer Park Municipal Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21), now 49 USC § 47107(h).

**DATES:** Comments must be received on or before November 29, 2004.

**ADDRESSES:** Comments on this application may be mailed or delivered