

3. An officer or employee of an organization within an executive agency that is an actual or prospective offeror to perform the activity.

4. The head of any labor organization referred to in section 7103(a) (4) of title, 5 United States Code, that includes within its membership officers or employees of an organization referred to in 3. above.

An interested party may submit an initial challenge, to the inclusion or exclusion of an activity, within 30 calendar days after publication of the notice of availability in the **Federal Register**. The challenge must set forth the reasons for the interested party's belief that the particular activity should be reclassified as inherently governmental (and therefore be deleted from the inventory) or as commercial (and therefore be added to the inventory), in accordance with OFPP Policy Letter 92-1 (see Appendix 5). Each agency must designate the agency official who has the responsibility for receiving and deciding such challenges (that official may be the official identified in paragraph 9.a of the Circular, or that official's designee). The deciding official must decide the initial challenge and transmit to the interested party a written notification of the decision within 28 calendar days of receiving the challenge. The notification must include a discussion of the rationale for the decision and, if the decision is adverse, an explanation of the party's right to file an appeal. An interested party may appeal an adverse decision to the head of the agency within 10 working days after receiving the written notification of the decision. Within 10 working days of receipt of the appeal, the agency head must decide the appeal and transmit to the interested party a written notification of the decision together with a discussion of the rationale for the decision.

#### H. FAIR Act Competitions

Section 2(d) of the FAIR Act requires each agency, within a reasonable time after the publication of its commercial-activity inventory, to review the activities on the inventory. In addition, Section 2(d)-(e) of the FAIR Act provides that, when an agency considers contracting with a private-sector source for the performance of an activity on the inventory, the agency must use a competitive process to select the source and must ensure that, for the comparison of costs, all costs are considered (including certain specified costs) and the costs considered are realistic and fair. In carrying out these requirements, agencies must rely on the guidance contained in Circular A-76 and this Supplemental Handbook. All competitive costs of in-house and contract performance are included in the cost comparison, including the costs of quality assurance, technical monitoring, liability insurance, retirement benefits, disability benefits and overhead that may be allocated to the function under study or may otherwise be expected to change as a result of changing the method of performance.

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## SECURITIES AND EXCHANGE COMMISSION

### Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (HEICO Corporation, Common Stock, \$0.01, Par Value and Class A Common Stock, \$0.01 Par Value) File No. 1-4604

February 23, 1999.

HEICO Corporation ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities ("Securities") from listing and registration on the American Stock Exchange LLC ("Amex" or "Exchange").

The Board of Directors of the Company unanimously approved a resolution on January 15, 1999 to withdraw the Company's Securities from listing on the Amex.

The reasons cited in the application for withdrawing the Securities from listing and registration include the following:

The Company has complied with the rules of the Amex by notifying Amex of its intention to withdraw its Securities from listing on the Amex by letter dated January 25, 1999. Amex replied by letter dated January 26, 1999, advising the Company that they would not interpose any objection to the withdrawal of the Company's Securities from listing on the Amex.

On January 29, 1999, the Company's Securities began trading on the New York Stock Exchange, Inc. ("NYSE").

The Company's application relates solely to the withdrawal from listing of the Company's Securities from the Amex and shall have no effect upon the continued listing of the Securities on the NYSE. By reason of section 12(b) of the Act and the rules and regulations of the Commission thereunder, the Company shall continue to be obligated to file reports under section 13 of the Act with the Commission and the NYSE.

Any interested person may, on or before, March 16, 1999, submit by letter to the Secretary of the Securities and Exchange Commission, 450 5th Street, NW, Washington DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission or the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date

mentioned above, unless the Commission determines to order a hearing on the matter.

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

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 99-4963 Filed 2-26-99; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41080; File No. SR-CBOE-99-01]

### Self-Regulatory Organizations; Notice of Filings and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Arbitration Jurisdiction

February 22, 1999.

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 January 11, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" 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 Exchange. 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

The Exchange proposes to adopt new Interpretation .03 under Exchange Rule 18.1, "Matters Subject to Arbitration," to clarify that a claim involving employment discrimination, including sexual harassment, is not appropriate for arbitration at the Exchange. The text of the proposed rule change follows; additions are italicized.

#### Chicago Board Options Exchange, Incorporated

##### Rules

\* \* \* \* \*

##### Chapter XVIII

##### Arbitration

##### Matters Subject to Arbitration

Rule 18.1. No Change.  
\* \* \* Interpretations and Policies:  
.03 (a) *For the purposes of Rule 18.1(a), the term "Exchange business"*

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

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