

are examples of enforcement actions that may be appropriate against individuals. The Notice of Violation issued to the Licensee's employee was deemed the appropriate action in this case.

#### *NRC Conclusion*

The NRC has concluded that the Licensee did not provide an adequate basis for remission or mitigation of the civil penalties. Consequently, the proposed civil penalty in the amount of \$5,500 should be imposed.

[FR Doc. 99-25718 Filed 10-1-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Standard Review Plan: Licensee Requests To Delay Initiation of Decommissioning Activities

NRC's "Timeliness in Decommissioning of Materials Facility" rule (hereafter the Timeliness Rule), became effective on August 15, 1994. The Timeliness Rule established the criteria necessary to avoid future problems resulting from delayed decommissioning of contaminated inactive facilities, separate buildings, and outdoor areas.

In May 1996, the Nuclear Energy Institute (NEI) filed a petition for rulemaking to amend the Timeliness Rule to allow licensees to delay decommissioning and operate in a "standby" mode. NRC denied NEI's petition for rulemaking because the Timeliness Rule contains provisions which allow licensee's to request delays or postponement of decommissioning, provided they can demonstrate that the delay is not detrimental to the public health and safety and is otherwise in the public interest. However, along with denying the petition, the Commission requested that NRC staff prepare guidance to identify the acceptance criteria necessary to demonstrate that postponement of decommissioning activities will not be detrimental to the public health and safety and is otherwise in the public interest.

In response to the Commission request, NRC staff has developed the draft Standard Review Plan (SRP) titled, "Licensee Requests to Delay Initiation of Decommissioning Activities." NRC posted the draft SRP on the internet ([www.nrc.gov/NMSS/DWM/DECOM/decomm.htm](http://www.nrc.gov/NMSS/DWM/DECOM/decomm.htm)) on August 11, 1999, to provide interested parties an opportunity to review and comment on NRC's acceptance criteria necessary to demonstrate that postponement of decommissioning activities will not be detrimental to the public health and safety and is otherwise in the public

interest. NRC staff received no comments on the draft SRP by the end of the initial comment period. Therefore, NRC staff is extending the comment period until October 15, 1999. NRC will consider all comments received in finalizing the SRP for implementation.

The draft SRP is available for inspection at the NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 22nd day of September 1999.

For the Nuclear Regulatory Commission.  
**Larry W. Camper,**

*Chief, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 99-25717 Filed 10-1-99; 8:45 am]

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## OFFICE OF PERSONNEL MANAGEMENT

### Federal Salary Council

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice of meeting.

**SUMMARY:** According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the fifty-sixth meeting of the Federal Salary Council will be held at the time and place shown below. At the meeting, the Council will continue discussing issues relating to locality-based comparability payments authorized by the Federal Employees Pay Comparability Act of 1990 (FEPCA). The meeting is open to the public.

**DATES:** October 15, 1999, at 1:00 p.m.

**ADDRESSES:** Office of Personnel Management, 1900 E Street NW., Room 7310, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Jerome D. Mikowicz, Chief, Salary and Wage Systems Division, Office Of Personnel Management, 1900 E Street NW., Room 7H31, Washington, DC 20415-0001. Telephone number: (202) 606-2838.

For the President's Pay Agent.

**Janice R. Lachance,**  
*Director.*

[FR Doc. 99-25798 Filed 10-1-99; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following open meeting during the week of October 4, 1999.

An open meeting will be held on Wednesday, October 6, 1999, at 10:00 a.m.

The subject matter of the open meeting scheduled for Wednesday, October 6, 1999, at 10:00 a.m. will be:

The Commission will consider proposing new rules and amendments to current rules to improve disclosure relating to the functioning of corporate audit committees and to enhance the reliability and credibility of financial statements of public companies. For further information contact: Mark Borges, Attorney-Adviser, Division of Corporation Finance (202-942-2900), Meridith Mitchell, Senior Counselor, Office of the General Counsel (202-942-0900), or Robert E. Burns, Chief Counsel, or W. Scott Bayless, Associate Chief Accountant, Office of the Chief Accountant (202-942-4400).

At times, changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: September 29, 1999.

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 99-25799 Filed 9-30-99; 1:16 pm]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

**Release No. 34-41912; File No. SR-CBOE-99-24**

### Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.: Order Approving Proposed Rule Change Relating to Option Trading Permit Auction Procedures

September 24, 1999.

#### I. Introduction

On June 9, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission"), 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> a proposed rule change to alter the Exchange's option trading permit auction procedures.

The proposed rule change, including Amendment No. 1,<sup>3</sup> was published in the **Federal Register** on August 24, 1999.<sup>4</sup> The Commission did not receive any comments on the proposed rule change. This order approves the proposed rule change, as amended.

## II. Description of the Proposal

CBOE Rule 3.27(a)(3) provides for the creation of a Permit lease pool to be administered by the Exchange.<sup>5</sup> Under these procedures, the Exchange conducts an auction every six months during which members and non-members who have qualified for membership may submit bids equal to the monthly rent that the bidder is willing to pay for a month-to-month Permit lease. Upon the close of the bidding period, Permits in the lease pool are awarded to the highest bidders in a number equal to the total number of Permits in the lease pool at that time. Under the existing procedures, the monthly rent to be paid by a lessee is the dollar value of the bid submitted by that lessee. Following each auction, the Exchange continues to accept bids for Permit leases. Should any Permit lessee desire to give up that lessee's Permit prior to the next auction, the Permit is transferred to the highest bidder at a monthly lease price equal to the new lessee's bid for the remainder of the six month auction cycle.

The proposal would amend the method of the auction to establish a procedure known as a Dutch auction. Under the Dutch auction, bidders will submit bids equal to the monthly rent which they are willing to pay for a six-month lease, and, upon the close of the

bidding period, Permits in the lease pool will continue to be awarded to the highest bidders in a number equal to the total number of Permits in the lease pool at that time. Under the Dutch auction procedure, however, each successful bidder will pay only the price of the lowest successful bid. Following each Dutch auction, the Exchange will continue to accept bids, with a minimum bid established at the price set in the most recent Dutch auction.

The proposal also contains several other amendments, most of which set forth existing Exchange practices in greater detail, including:

- The proposed rule change establishes a minimum qualifying bid level for all bidding which occurs between Dutch auctions. The minimum qualifying bid is set at the lease rate established in the most recent Dutch auction. This change is designed to equalize Permit lease rates and enhance administrative efficiency by encouraging lessees to use the Dutch auction process, rather than attempt to obtain a lower priced lease by bidding between the Dutch auctions.

- The proposed rule change permits a lessee to terminate the lessee's Permit during the lease period, by written notice to the Membership Department, but provides that the termination notice shall be irrevocable. The Membership Department will post notice of the availability of the Permit for at least two business days on the Exchange bulletin board. The Permit will be transferred to the highest bidder whose bid is received by 3:30 p.m. on the first Wednesday after notice of the Permit's availability has been posted for at least two business days.

- The proposed rule change also allows Permits to be transferred among nominees of an organization with appropriate notice to the Exchange, as is the case with CBOE membership.

- The proposed rule change provides that an individual can lease only one Permit from the lease pool at a time. Therefore, an individual who is already a Permit lessee may not submit a Permit bid during the six month lease period (except to bid in the next Dutch auction) unless and until the lessee first terminates the lessee's current lease.

- Finally, the proposed rule change establishes a six month Permit lease instead of the current month-to-month lease, for easier and more efficient administration of the lease process.

## III. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules

and regulations thereunder applicable to a national securities exchange. In particular, the Commission believes the proposal is consistent with the requirements of Section 6(b)(5) of the Act<sup>6</sup> because it is designed to promote just and equitable principles of trade, perfect the mechanism of a free and open national market system, and, in general, to further investor protection and the public interest. Under the proposal, the current auction procedure for Permit leases would be replaced by a procedure known as a Dutch auction. The proposed Dutch auction differs from the current procedures because each successful bidder will pay only the price of the lowest successful bid for Permits, instead of the dollar value of the bid submitted by that lessee. The Commission believes that it is reasonable for the Exchange to determine how to distribute the Permits. The Commission also believes that the Dutch auction procedure as described in the proposal is a competitive process that is a fair and equitable method for distributing the Permits. The Commission further believes that the proposal clearly sets forth in sufficient detail the parameters of and for the proposed Dutch auction process so that Exchange members can fully understand the proposed process, including how to bid, when to bid, restrictions on bidding and holding Permit leases, and how to terminate or transfer a Permit lease.

## IV. Conclusion

*It is Therefore Ordered*, pursuant to Section 19(b)(2) of the Act,<sup>7</sup> that the proposed rule change (SR-CBOE-99-24), is amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority:<sup>8</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 99-25701 Filed 10-1-99; 8:45 am]

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

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

<sup>3</sup> Amendment No. 1 was filed on August 2, 1999. Amendment No. 1 expanded the discussion on the proposed rule change and clarified the proposed test of the rule change. See letter from Christopher R. Hill, Attorney, CBOE, to Heather Traeger, Attorney, Division of Market Regulation, dated August 2, 1999.

<sup>4</sup> Securities Exchange Act Release No. 41747, (August 16, 1999), 64 FR 46221.

<sup>5</sup> The procedures for the administration on the lease pool were previously filed with and approved by the Commission. SR-CBOE-97-14 provided for the issuance of Permits in connection with the transfer of the options business of the New York Stock Exchange, Inc. to CBOE and defined the rights and obligations associated with Permits. See Securities Exchange Act Release No. 38541 (April 23, 1997), 62 FR 23516 (April 30, 1997). In SR-CBOE-97-47, CBOE amended the manner in which the CBOE accesses the fee that it charges when a person submits a bid to receive a Permit. See Securities Exchange Act No. 39179 (October 1, 1997), 62 FR 52602 (October 8, 1997).

<sup>6</sup> 15 U.S.C. 78f(b)(5).

<sup>7</sup> 15 U.S.C. 78s(b)(2).

<sup>8</sup> 17 CFR 200.30-3(a)(12).