

your comments, and send your comments by December 30, 2005.

**FOR FURTHER INFORMATION, CONTACT:** Duane W. Schmidt, Mail Stop T-7E18, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6919; Internet: [dws2@nrc.gov](mailto:dws2@nrc.gov).

**SUPPLEMENTARY INFORMATION:** In September 2003, the NRC published a three-volume NUREG report, NUREG-1757, "Consolidated NMSS Decommissioning Guidance." That report provides guidance on: planning and implementing license termination under the License Termination Rule, in 10 CFR part 20, subpart E; complying with the radiological criteria for license termination; and complying with the requirements for financial assurance and recordkeeping for decommissioning and timeliness in decommissioning materials facilities. The draft Supplement 1, "Consolidated NMSS Decommissioning Guidance: Updates to Implement the License Termination Rule Analysis" (NUREG-1757, Supplement 1), is the first of periodic updates to reflect current NRC decommissioning policy.

Draft Supplement 1 provides proposed additions and updates to guidance addressing the following issues, which were explored in an NRC staff analysis of the implementation of the License Termination Rule: restricted use and institutional controls; on-site disposal of radioactive materials; scenario justification based on reasonably foreseeable land use; intentional mixing of contaminated soil; and removal of material after license termination. It also provides new and revised guidance to address several other issues. NRC is seeking public comment in order to receive feedback from the widest range of interested parties and to ensure that all information relevant to developing the document is available to the NRC staff. The NRC will review public comments received on the draft document. Suggested changes will be incorporated, where appropriate, and a final document will be issued for use. When finalized, the guidance is intended for use by NRC staff, licensees, and the public.

Draft Supplement 1 is issued for comment only and is not intended for interim use.

Dated at Rockville, MD, this 23rd day of September, 2005.

For the Nuclear Regulatory Commission.

**Andrew Persinko,**

*Acting Deputy Director, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 05-19447 Filed 9-28-05; 8:45 am]

**BILLING CODE 7590-01-P**

## **PRESIDIO TRUST**

### **Notice of Public Meeting**

**AGENCY:** The Presidio Trust.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with §103(c)(6) of the Presidio Trust Act, 16 U.S.C. 460bb note, Title I of Pub. L. 104-333, 110 Stat. 4097, as amended, and in accordance with the Presidio Trust's bylaws, notice is hereby given that a public meeting of the Presidio Trust Board of Directors will be held commencing 6:30 p.m. on Thursday, October 20, 2005, at the Herbst International Exhibition Hall, 385 Moraga Avenue, Presidio of San Francisco, California. The Presidio Trust was created by Congress in 1996 to manage approximately eighty percent of the former U.S. Army base known as the Presidio, in San Francisco, California.

The purposes of this meeting are to provide an Executive Director's Report, to provide an overview of projects and plans for fiscal year 2006, and to receive public comment in accordance with the Trust's Public Outreach Policy.

**Accommodation:** Individuals requiring special accommodation at this meeting, such as needing a sign language interpreter, should contact Mollie Matull at (415) 561-5300 prior to October 14, 2005.

### **FOR FURTHER INFORMATION CONTACT:**

Karen Cook, General Counsel, the Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, California 94129-0052, Telephone: (415) 561-5300.

Dated: September 23, 2005.

**Karen A. Cook,**

*General Counsel.*

[FR Doc. 05-19433 Filed 9-28-05; 8:45 am]

**BILLING CODE 4310-4R-P**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-52493; File No. SR-Amex-2005-087]

### **Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise Its Options Transaction Fees**

September 22, 2005.

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 August 31, 2005, 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 Exchange. Amex has designated the proposed rule change as one establishing or changing a due, fee, or other charge imposed by Amex pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. 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**

Amex proposes to: (i) Increase transaction fees for customer and firm orders on index options from the current rate of \$0.22 per contract side to \$0.45 per contract side; (ii) eliminate the fee exception for machine delivered index option orders of less than 30 contracts; (iii) adopt transaction fees of \$0.15 per contract side in connection with customer orders for options on trust issued receipts ("TIRs") and exchange-traded funds ("ETFs"); and (iv) adopt options licensing fees for firm, non-member market maker, and broker-dealer orders.

The text of the proposed rule change is available on Amex's Web site (<http://www.amex.com>), at Amex's principal office, and from the Commission's Public Reference Room.

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

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

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

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

## 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 Exchange 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 Exchange 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

Amex proposes to amend its Options Fee Schedule to adopt and/or increase certain transaction fees applicable to index options, ETF options, and TIR options. The fee changes proposed in this rule filing will be effective September 1, 2005. The Exchange, for the purpose of clarity and ease of reference, has also added additional references to specific option types throughout its Options Fee Schedule. The types of options set forth in the Options Fee Schedule now will include Equity Options, Exchange-Traded Fund Share Options (excluding QQQQ Options), QQQQ Options, Trust Issued Receipt (HOLDR) Options, Index Options (in some cases, excluding MNX and NDX Options), and MNX and NDX Options.<sup>5</sup>

Amex currently charges transaction fees for customer and firm orders in index options executed on the Exchange at the total rate of \$0.22 per contract side. The Exchange proposes to increase total transaction fees to \$0.45 per contract side<sup>6</sup> for customer and firm index option orders executed on the Exchange, with the exception of MNX and NDX options, which will remain at the current total rate of \$0.22 per contract side. In addition, the Exchange also proposes to eliminate the fee exception in which machine-delivered index option orders of less than 30 contracts are not subject to transaction fees. This change will provide that all index option orders executed on the

<sup>5</sup> Currently, the Options Fee Schedule lists equity options, index options, and options on the S&P 100 iShares.

<sup>6</sup> The \$0.45 per contract side charge would consist of an options transaction fee of \$0.38 per contract side, an options comparison fee of \$0.04 per contract side, and an options floor brokerage fee of \$0.03 per contract side.

Exchange will be subject to transaction fees.

The transaction fees in connection with ETF and TIR options transactions are currently provided under the category "Equity Options," set forth in the Options Fee Schedule.<sup>7</sup> As a result, customer orders are not charged transaction fees. The one exception is that customer orders are charged a \$0.15 options transaction fee in the iShares S&P 100 Index Fund option. Amex is proposing to levy a transaction fee on customer orders of TIR and ETF options (excluding QQQQ options) at a total rate of \$0.15 per contract side.<sup>8</sup> In order to remain competitive with the other options exchanges, the Exchange will continue not to charge a transaction fee on customer QQQQ option orders.

Currently, the Exchange does not charge firm, non-member market maker, or broker-dealer orders a fee for transactions in certain licensed options products. The Exchange proposes to levy an options licensing fee on these orders consistent with the licensing fee currently assessed on orders of specialists and registered options traders. The proposed fee varies from \$0.05 per contract side to \$0.20 per contract side, depending upon the particular index-based product that is subject to a license agreement. These fees are set forth in the Options Licensing Fee section of the Options Fee Schedule.

#### 2. Statutory Basis

The Exchange believes that the proposed fee change is consistent with the requirements of Section 6(b) of the Act,<sup>9</sup> in general, and Section 6(b)(4) of the Act,<sup>10</sup> in particular, regarding the equitable allocation of reasonable dues, fees, and other charges among Exchange members and other persons using Exchange facilities.

The Exchange asserts that the proposed increase in transaction fees for index, ETF, and TIR options is equitable as required by Section 6(b)(4) of the Act.<sup>11</sup> In connection with the proposed increase in the index option transaction fee for customer and firm orders, the

<sup>7</sup> As set forth above, ETF and TIR options will now be separately listed in the Options Fee Schedule.

<sup>8</sup> The \$0.15 per contract side charge would consist of an options transaction fee of \$0.08 per contract side, an options comparison fee of \$0.04 per contract side, and an options floor brokerage fee of \$0.03 per contract side.

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(4).

<sup>11</sup> Section 6(b)(4) states that the rules of a national securities exchange must provide for "the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities." 15 U.S.C. 78f(b)(4).

Exchange notes that the proposal will better align its index option fees with its competitors. Customer orders will now also be charged \$0.15 per contract side in connection with ETF and TIR options instead of not being subject to transaction fees. The Exchange believes that this is reasonable and equitable given the fact that the orders of other market participants are subject to transaction charges. The Exchange also maintains that charging an options licensing fee, where applicable, to all market participant orders except for customer orders is reasonable given the competitive pressures in the industry.

The Exchange further believes that eliminating the fee exception for machine-delivered index option orders of less than 30 contracts is equitable and fair since all index option orders will now be potentially subject to transaction charges regardless of the size of the order. In the past, the Exchange and certain market participants have largely subsidized the cost of providing index options. The Exchange now seeks to better align these fees with the cost of providing these products, maintaining the trading floor and systems, and generating revenue to fund Exchange operations.

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

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### 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

The proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>12</sup> and Rule 19b-4(f)(2) thereunder,<sup>13</sup> because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of such 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,

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>13</sup> 17 CFR 240.19b-4(f)(2).

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-Amex-2005-087 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File Number SR-Amex-2005-087. 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 Room. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. 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-Amex-2005-087 and should be submitted on or before October 20, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

Jonathan G. Katz,  
Secretary.

[FR Doc. 05-19495 Filed 9-28-05; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52494; File No. SR-CBOE-2005-70]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Extend a Pilot Program Relating to Market-Maker Access to the Hybrid Automatic Execution System

September 22, 2005.

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 September 12, 2005, the Chicago Board Options Exchange, Incorporated ("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 Exchange has designated this proposal as "non-controversial" pursuant to Section 19(b)(3)(A) of the Act,<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission.<sup>5</sup> 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 extend the pilot program in CBOE Rule 6.13 relating to market-maker access to the Exchange's automatic execution system until October 12, 2006. No other changes are being made to the pilot program. The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.com>), at the Exchange's Office of the Secretary, and

<sup>14</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> 5 U.S.C. 78s(b)(1).

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

<sup>3</sup> 5 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> The Exchange asked the Commission to waive the five business day pre-filing notice requirement. See Rule 19b-4(f)(6)(iii), 17 CFR 240.19b-4(f)(6)(iii). The Commission is exercising its authority to waive the five business day pre-filing notice requirement and notes that the Exchange provided the Commission with four business days' notice.

at the Commission's Public Reference Room.

#### 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 Exchange 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 Exchange 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 2004, the Commission approved on a pilot basis, CBOE Rule 6.13(b)(i)(C)(iii) ("Rule") relating to the frequency with which certain market participants could submit orders for execution through the Exchange's Hybrid Trading System ("Hybrid").<sup>6</sup> CBOE Rule 6.13(b)(i)(C)(iii) currently provides in relevant part:

(iii) 15-Second Limitation: With respect to orders eligible for submission pursuant to paragraph (b)(i)(C)(ii), members shall neither enter nor permit the entry of multiple orders on the same side of the market in an option class within any 15-second period for an account or accounts of the same beneficial owner. The appropriate FPC may shorten the duration of this 15-second period by providing notice to the membership via a Regulatory Circular that is issued at least one day prior to implementation. The effectiveness of this rule shall terminate on October 12, 2005.

Upon approval of the Rule, the Exchange began allowing orders from options exchange market-makers to be eligible for automatic execution subject to the 15-second limitation described above.<sup>7</sup> As the pilot period expires on

<sup>6</sup> See Securities Exchange Act Release No. 50005 (July 12, 2004), 69 FR 43032 (July 19, 2004) (SR-CBOE-2004-33). The pilot program has been extended once. See Securities Exchange Act Release No. 51030 (January 12, 2005), 70 FR 3404 (January 24, 2005) (SR-CBOE-2004-91) (extension of the pilot program until October 12, 2005).

<sup>7</sup> CBOE Rule 6.13(b)(i)(C)(ii) governs the submission of orders from market-makers (paragraph (C)(ii)(A)) and stock exchange specialists (paragraph (C)(ii)(B)). It should be noted that, pursuant to CBOE Rule 6.13(b)(i)(C)(iii), the floor procedures committees (FPCs) determined to shorten to 5 seconds (from 15 seconds) the period