

if they were members of the NASD for purposes of arbitration.

In addition, the Commission believes that the proposed rule change adequately provides for the enforcement of Phlx Rule 950, Section 44, because Phlx will continue to be responsible for the enforcement and disciplining of members regarding arbitration. A Phlx member's failure to pay an arbitration award rendered pursuant to the NASD's Code would constitute a violation of Phlx Rule 950, Section 44, since it is that rule, as amended, that subjects Phlx members to the NASD's Code. Similarly, a Phlx member's refusal to submit to arbitration pursuant to the NASD's Code would constitute a violation of Phlx Rule 950, Section 44.

Finally, the Phlx provides adequate measures for the transition from the Phlx arbitration forum to the NASD arbitration form. Even though the Phlx will no longer accept any new claims filed with the arbitration program as of October 1, 1998, it will continue to operate its program in order to administer its current, open cases and any new claims received prior to October 1, 1998. The Exchange will then discontinue its arbitration program when all such cases have been closed.<sup>30</sup>

The Commission also believes that the proposed rule change combining the customer and member arbitration programs helps protect the public interest by focusing the Exchange's arbitration efforts on its existing arbitration docket, including arbitrations involving member controversies. The Commission believes that the proposed rule change provides a fair procedure for members to arbitrate any dispute claim or controversy arising out of or in connection with the securities business and further notes that the proposed rule change is necessary in order to arbitrate pending member cases.

The Exchange has requested that the Commission approve the proposal prior to the thirtieth day after the date of publication of notice of the proposal in the **Federal Register**. The Commission finds good cause for approving the proposed rule change prior to the

thirtieth day after the date of publication of notice thereof in the **Federal Register**, because the Commission believes that the proposed rule change will allow for fair arbitration of all member arbitration claims and will facilitate the processing of the Exchange's remaining arbitration cases by permitting both public customers and members to arbitrate their disputes.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>31</sup> that the proposed rule change (SR-Phlx-98-28), as amended, is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>32</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 98-27000 Filed 10-7-98; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF STATE

[Public Notice No. 2901]

### Overseas Security Advisory Council (OSAC) Meeting Notice; Closed Meeting

The Department of State announces a meeting of the U.S. State Department—Overseas Security Advisory Council on October 27, 28, and 29, at the State Department in Washington, D.C. Pursuant to Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1) and (4), it has been determined the meeting will be closed to the public. Matters relative to classified national security information as well as privileged commercial information will be discussed. The agenda calls for the discussion of classified and corporate proprietary/security information as well as private sector physical and procedural security policies and protective programs at sensitive U.S. Government and private sector locations overseas.

For more information contact Marsha Thurman, Overseas Security Advisory Council, Department of State, Washington, D.C. 20522-1033, phone: 202-663-0869.

Dated: September 21, 1998.

**Peter E. Bergin,**

*Director of the Diplomatic Security Service.*

[FR Doc. 98-27005 Filed 10-7-98; 8:45 am]

BILLING CODE 4710-24-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Termination of Operating Authority of Certain Foreign Air Carriers

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

**ACTION:** Order to Show Cause, Docket OST-98-4531, Order 98-10-3.

**SUMMARY:** The Department is inviting comments on its tentative decision to terminate the foreign air carrier permit and exemption authority held by 47 foreign air carriers. These foreign air carriers have failed to file family assistance plans with the Department and the National Transportation Safety Board, as required by the Foreign Air Carrier Family Support Act of 1997 (Act), 49 U.S.C. 41313. The Act, signed into law by the President on December 16, 1997, requires foreign air carriers to file plans for addressing the needs of families of passengers involved in an aviation disaster. The deadline for filing the plans was June 15, 1998. Since that time, the Department has taken repeated measures to notify foreign carriers of their responsibility to file their plans, and to offer assistance to the affected carriers. Of the 252 foreign air carriers required to file plans, 205 have done so. The Department believes that the continued failure of the remainder to file, particularly in the face of repeated advisories from the Department that they must do so, constitutes grounds for termination of those carriers' authority to serve the United States. Of the 47 non-filing carriers, the Department has received information that at least 32 are no longer in business, and that others no longer conduct any U.S. operations, have no near-term plans to do so, and do not oppose the termination of their authority. The 47 foreign air carriers whose authority the Department proposes to terminate are: Aero Transcolombiana de Carga Ltda.; Aerolineas Latinas, C.A.; Aeronautica de Cancun, S.A.; Aeronaves del Peru, S.A.; Air Manitoba Limited; Air Niagara Express, Inc.; Anglo Airlines Limited; Blue Scandinavia AB; Caicos Caribbean Airways Limited; Canair Cargo Ltd.; ChallengAir; Cherokee Air, Ltd.; Cleare Air Limited; Compania de Aviacion "Faucett", S.A.; Garuda Indonesia; General Air Cargo, G.A.C., C.A.; Interestatal de Aviacion, S.A.; Jet Air International Charters, C.A.; Jetall Holdings Corp.; Jetflight Limited; Kar-Air oy; Lineas Aereas La-Tur, S.A.; Nigeria Airways, Ltd.; Nordic European Airlines International AB; North Cariboo Flying Service Ltd.; North Coast

<sup>30</sup> The Commission notes that the Exchange has stated that at that time it will submit a filing to the Commission to delete provisions of Rule 950, except for those provisions regarding the transfer of its arbitration program to the NASD. The Commission notes that Phlx should also not delete the part of the Phlx Rule 950, Section 39, which generally provides that it may be deemed conduct inconsistent with just and equitable principles of trade for a member, member organization or person associated with a member to fail to arbitration on demand, fail to appear or to produce any document in his possession or control as directed, or fail to honor an award of arbitrators properly rendered when required by Rule 950.

<sup>31</sup> 15 U.S.C. 78s(b)(2).

<sup>32</sup> 17 CFR 200.30-3(a)(12).

Air Services Ltd.; Phoenix Air Lines Ltda.; Prairie Connection Ltd.; Quassar de Mexico, S.A. de C.V.; Regal Air Limited; Rio Air Express, S.A.; Seagreen Air Transport Limited; Servicio Aereo de Honduras, S.A.; Sky Freighters Ltd.; Sociedad Aeronautica de Medellin Consolidada; Societe Nouvelle Air Martinique; Tradewinds Airways Limited; Trans European Airways France S.A.; Trans North Turbo Air Limited; Transavia Airlines, C.V.; Translift Airways Limited; Transporte de Carga Aerea Especializada y Serv.; Transportes Aereos Bolivianos; Vacationair Inc.; Venezolana Internacional de Aviacion, S.A.; Windward Islands Airways International, N.V.; and World Wide Air Charter Systems.

**DATES:** Objections to the issuance of a final order in this proceeding are due: October 22, 1998. If objections are filed, answers to objections are due: October 29, 1998. Persons filing pleadings should contact the Department's Foreign Air Carrier Licensing Division at the telephone number listed below for a list of persons to be served with objections and answers to objections.

**ADDRESSES:** All documents in this proceeding, with appropriate filing copies, should be filed in Docket OST-98-4531, addressed to Central Docket Management Facility, U.S. Department of Transportation, Room PL401, 400 Seventh Street, SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** George Wellington, Foreign Air Carrier Licensing Division, U.S. Department of Transportation, Room 6412, 400 Seventh Street, SW, Washington, DC 20590. Telephone (202) 366-2391.

Dated: October 1, 1998.

**Patrick V. Murphy,**

*Deputy Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 98-26929 Filed 10-7-98; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Acceptance of Noise Exposure Maps and Request for Review of Noise Compatibility Program for Kona International Airport, Kailua-Kona, HI

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps submitted by the State of Hawaii,

Department of Transportation, for the Kona International Airport, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150, are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed Noise Compatibility Program that was submitted for Kona International Airport under Federal Aviation Regulations (FAR) Part 150 in conjunction with the Noise Exposure Map, and that the Noise Compatibility Program will be approved or disapproved on or before March 24, 1999.

**EFFECTIVE DATE:** The effective date of the FAA's acceptance of the Noise Exposure Maps and of the start of its review of the associated Noise Compatibility Program is September 24, 1998. The public comment period ends November 16, 1998.

**FOR FURTHER INFORMATION CONTACT:** David J. Welhouse, Airport Planner, Honolulu Airports District Office, Federal Aviation Administration, P.O. Box 50244, Honolulu, Hawaii 96850, Telephone: (808) 541-1243. Comments on the proposed Noise Compatibility Program should be submitted to the above office. The Noise Exposure Maps reflecting this FAA action may also be reviewed at the same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the Noise Exposure Maps submitted for Kona International Airport are in compliance with applicable requirements of Federal Aviation Regulations (FAR) Part 150, effective September 24, 1998. Further, FAA is reviewing a proposed Noise Compatibility Program for that airport which will be approved or disapproved on or before March 24, 1999. This notice also announces the availability of this Noise Compatibility Program for public review and comment.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict noncompliance land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted Noise Exposure Maps that are

found by FAA to be in compliance with the requirements of FAR Part 150, promulgated pursuant to Title I of the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The State of Hawaii, Department of Transportation, submitted to the FAA on December 29, 1997 Noise Exposure Maps, descriptions and other documentation which were produced during the preparation of the Kona International Airport Noise Compatibility Study dated December, 1997. It was requested that the FAA review this material as the Noise Exposure Maps, as described in Section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under Section 104(b) of the Act.

The FAA has completed its review of the Noise Exposure Maps and supporting documentation submitted by the State of Hawaii, Department of Transportation. The specific maps under consideration are Figures 4-1 and 7-1 in the submission. The FAA has determined that these maps for Kona International Airport are in compliance with applicable requirements. This determination is effective on September 24, 1998. FAA's acceptance of an airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix (A) of FAR Part 150. Such acceptance does not constitute approval of the applicant's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map, submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities