

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx is proposing to amend its schedule of dues, fees, and charges to charge the owners of each of the 505 Exchange memberships a monthly capital funding fee of \$1,500 per membership.³ This fee will remain in effect for 36 consecutive months and will provide funding for capital improvements.

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

The Phlx is proposing to amend its fee schedule to include a monthly fee of \$1,500, per membership, charged to each owner of the Exchange's 505 memberships.⁴ The monthly fee will be due on the last business day of the previous calendar month. Thus, the owner is responsible for paying the entire subsequent month's fee on the last business day of the prior month. The Exchange intends to segregate the funds generated from this \$1,500 fee from Phlx's general funds. This fee will remain in effect for 36 consecutive months. At the end of the 36-month period, the Exchange will reevaluate its long-term financing plan to determine whether this fee should continue.

This monthly fee will be treated like a contribution to capital and will provide funding for technological improvements and other capital needs.⁵

³ Telephone conversation between Marla Chidsey, Law Clark, Division of Market Regulation, Commission, and Cynthia Hoekstra, Counsel, Phlx (October 20, 1999).

⁴ For the purposes of this proposal, an "owner" means any person or entity who holds equitable title to a membership in the Exchange.

⁵ This fee is distinguished from the technology fee that the Exchange implemented in 1997. The technology fee was intended to cover system software modifications, upgrades to the operating systems on the Exchange's trading floors, Year 2000

Specifically, it is intended to fund capital purchases, including hardware for capacity upgrades, development efforts for decimalization, trading floor expansion, and communication enhancements. The revenue from the fees will assist in allowing the Exchange to remain competitive in the current capital markets environment.

2. Statutory Basis

For these reasons, the Exchange believes that the proposed rule change is consistent with Section 6 of the Act,⁶ in general, and with Section 6(b)(4),⁷ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members. The Exchange believes that the capital funding fee is reasonable and equitable because it is imposed on every seat owner and will provide important funding for capital improvements. In reviewing this proposal, the Commission has considered its impact of efficiency, competition, and capital formation.⁸

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

The Exchange represents that it does not believe that the proposed rule will 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

The Exchange has neither solicited or received written comments on the proposed rule change.

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

The foregoing proposed rule change has become immediately effective upon filing pursuant to Rule 19(b)(3)(A)(ii) of the Act⁹ and Rule 19b-4(f)(2)¹⁰ thereunder because it establishes a due, fee, or other charge. 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

modifications, specific system development costs, hardware upgrades to handle expected increased trading volumes, and anticipated increases due to SIAC and OPRA communication changes. See Securities Exchange Act Release No. 38394 (March 12, 1997) 62 FR 13204 (March 19, 1997) SR-Phlx-97-099).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4).

⁸ 15 U.S.C. 78c(f).

⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁰ 17 CFR 240.19b-4(f)(2).

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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. 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 such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-99-43 and should be submitted by November 22, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-28456 Filed 10-29-99; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 3150]

Culturally Significant Objects Imported for Exhibition Determinations: "Raphael and Titian: The Renaissance Portrait"

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority of October 19, 1999, I hereby determine that the objects to be included in the exhibition

¹¹ 17 CFR 200.30-3(a)(12).

"Raphael and Titian: The Renaissance Portrait," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with a foreign lender. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, Chicago, Illinois, from on or about December 15, 1999, to on or about March 19, 2000, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Lorie J. Nierenberg, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619-6084). The address is U.S. Department of State, SA-44; 301-4th Street, S.W., Room 700, Washington, D.C. 20547-0001.

Dated: October 26, 1999.

James D. Whitten,

Executive Director, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 99-28540 Filed 10-29-99; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF STATE

[Public Notice 3151]

Modification of Description of "Territory of Afghanistan Controlled by The Taliban" in Executive Order 13129

Executive Order 13129 of July 4, 1999 blocks property and prohibits transactions with the Taliban. Under section 4(d) of this Order, the Secretary of State, in consultation with the Secretary of the Treasury, is authorized to modify the description of the term "territory of Afghanistan controlled by the Taliban." Acting under the authority delegated to me by the Secretary of State on October 14, 1999, and in consultation with the Secretary of the Treasury, I hereby modify the description of the term "territory of Afghanistan controlled by the Taliban" to include the City of Kabul.

This notice shall be published in the **Federal Register**.

Dated: October 21, 1999.

Thomas R. Pickering,

Under Secretary of State for Political Affairs, U.S. Department of State.

[FR Doc. 99-28541 Filed 10-29-99; 8:45 am]

BILLING CODE 4710-07-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Index of Administrator's Decisions and Orders of Civil Penalty Actions; Publication

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of publication.

SUMMARY: This notice constitutes the required quarterly publication of an index of the Administrator's decisions and orders in civil penalty cases. This publication represents the quarter ending on September 30, 1999. This publication ensures that the agency is in compliance with statutory indexing requirements.

FOR FURTHER INFORMATION CONTACT: James S. Dillman, Assistant Chief Counsel for Litigation (AGC-400), Federal Aviation Administration, 400 7th Street, SW, Suite PL 200-A, Washington, DC 20590; telephone: (202) 366-4118.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act requires Federal agencies to maintain and make available for public inspection and copying current indexes containing identifying information regarding materials required to be made available or published. 5 U.S.C. 552(a)(2). In a notice issued on July 11, 1990, and published in the **Federal Register** (55 FR 29148; July 17, 1990), the FAA announced the public availability of several indexes and summaries that provide identifying information about the decisions and orders issued by the Administrator under the FAA's civil penalty assessment authority and the rules of practice governing hearings and appeals of civil penalty actions. 14 CFR Part 13, Subpart G.

The FAA maintains an index of the Administrator's decisions and orders in civil penalty actions organized by order number and containing identifying information about each decision or order. The FAA also maintains a cumulative subject-matter index and digests organized by order number.

The indexes are published on a quarterly basis (*i.e.*, January, April, July, and October.) This publication represents the quarter ending on March 31, 1999.

The FAA first published these indexes and digests for all decisions and orders issued by the Administrator through September 30, 1990. 55 FR 45984; October 31, 1990. The FAA announced in that notice that only the subject-matter index would be published cumulatively and that the

order number index would be non-cumulative. The FAA announced in a later notice that the order number indexes published in January would reflect all of civil penalty decisions for the previous year. 58 FR 5044; 1/19/93.

The previous quarterly publications of these indexes have appeared in the **Federal Register** as follows:

Dates of quarter	Federal Register publication
11/1/89-9/30/90	55 FR 45984; 10/31/90
10/1/90-12/31/90 ..	56 FR 44886; 2/6/91
1/1/91-3/31/91	56 FR 20250; 5/2/91
4/1/91-6/30/91	56 FR 31984; 7/21/91
7/1/91-9/30/91	56 FR 51735; 10/15/91
10/1/91-12/31/91 ..	57 FR 2299; 1/21/92
1/1/92-3/31/92	57 FR 12359; 4/9/92
4/1/92-6/30/92	57 FR 32825; 7/23/92
7/1/92-9/30/92	57 FR 48255; 10/22/92
10/1/92-12/31/92 ..	58 FR 5044; 1/19/93
1/1/93-3/31/93	58 FR 21199; 4/19/93
4/1/93-6/30/93	58 FR 42120; 8/6/93
7/1/93-9/30/93	58 FR 58218; 10/29/93
10/1/93-12/31/93 ..	59 FR 5466; 2/4/94
1/1/94-3/31/94	59 FR 22196; 4/29/94
4/1/94-6/30/94	59 FR 39618; 8/3/94
7/1/94-12/31/94	60 FR 4454; 1/23/95
1/1/95-3/31/95	60 FR 19318; 4/17/95
4/1/95-6/30/95	60 FR 36814; 7/18/95
7/1/95-9/30/95	60 FR 53228; 10/12/95
10/1/95-12/31/95 ..	61 FR 1972; 1/24/96
1/1/96-3/31/96	61 FR 16955; 4/18/96
4/1/96-6/30/96	61 FR 37526; 7/18/96
7/1/96-9/30/96	61 FR 54833; 10/22/96
10/1/96-12/31/96 ..	62 FR 2434; 1/16/97
1/1/97-3/31/97	62 FR 24533; 5/2/97
4/1/97-6/30/97	62 FR 38339; 7/17/97
7/1/97-9/30/97	62 FR 53856; 10/16/97
10/1/97-12/31/97 ..	63 FR 3373; 1/22/98
1/1/98-3/31/98	63 FR 19559; 4/20/98
4/1/98-6/30/98	63 FR 37914; 7/14/98
7/1/98-9/30/98	63 FR 57729; 10/28/98
10/1/98-12/31/98 ..	64 FR 1855; 1/12/99
1/1/99-3/31/99	64 FR 24690; 5/7/99
4/1/99-6/30/99	64 FR 43236; 8/9/99

The civil penalty decisions and orders, and the indexes and digests are available in FAA offices. In addition, the Administrator's civil penalty decisions have been published by commercial publishers (Hawkins Publishing Company and Clark Boardman Callaghan) and are available on computer on-line services (Westlaw, LEXIS, Compuserve and FedWorld). (A list of the addresses of the FAA offices where the civil penalty decisions may be reviewed and information regarding these commercial publications and computer databases are provided at the end of this notice.)

Information regarding the accessibility of materials filed in recently initiated civil penalty cases in FAA civil penalty cases at the DOT Docket and over the Internet is also set forth at the end of this notice.