

IV. Commission Findings and Order Granting Accelerated Approval of the Temporary Extension of the Add-On Margin

The Exchange requested that the Commission approve the extension of the four percent add-on margin for non-customized Cross-Rate FCOs until February 4, 2000, prior to the thirtieth day after the publication of the notice of this proposal in the **Federal Register**. The Exchange requested this extension to ensure that trading of these products may continue following November 4, 1999, when the existing four percent add-on margin expires. The Commission finds that the Exchange's request to extend the use of the four percent add-on margin for all non-customized Cross-Rate FCOs until February 4, 2000 is consistent with the requirements of Section 6 of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁴ Specifically, the Commission finds that the proposal to temporarily continue to use the four percent add-on margin for all non-customized Cross-Rate FCOs is consistent with Section 6(b)(5) of the Act¹⁵ because it will facilitate transactions in securities, promote just and equitable principles of trade, and protect investors and the public interest. The Exchange has used the existing four percent add-on rate since 1991 to trade Cross-Rate FCOs. The Exchange has recently provided the commission statistical data that indicates that the existing four percent margin has been adequate to cover five-day fluctuations for both currently listed Cross-Rate FCO currency pairs over 97 percent of the time over the past three years. This extension will also provide the Commission with additional time to consider the proposed rule change, while permitting the Exchange to trade these cross-rate FCOs products following November 4, 1999. For these reasons, the Commission finds good cause for approving the request for interim extension of the existing four percent add-on margin prior to the thirtieth day after the publication of notice thereof in the **Federal Register**.

V. 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 Phix. All submissions should refer to File No. SR-Phix-99-30 and should be submitted by December 3, 1999.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁶ that the continued use of the existing four percent add-on margin for all non-customized Cross-Rate FCOs until February 4, 2000 is hereby approved on an accelerated basis.¹⁷

For the Commission by the Division of Market Regulation, pursuant to delegated authority.¹⁸

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-29599 Filed 11-10-99; 8:45 am]
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DEPARTMENT OF STATE

[Public Notice 3156]

Amendment to Culturally Significant Objects Imported for Exhibition; Determinations: "A Painting in Focus: Nicolas Poussin's Holy Family on the Steps"

DEPARTMENT: United States Department of State.

ACTION: Notice.

This is an amendment to the Notice, Culturally Significant Objects Imported for Exhibition Determinations: "A Painting in Focus: Nicolas Poussin's Holy Family on the Steps," **Federal Register** Doc. 99-28091, 64 FR 57920 (October 27, 1999). The dates of exhibition at the Cleveland Museum of Art are amended to be from on or about

November 14, 1999, to on or about January 23, 2000.

Dated: November 3, 1999.

James D. Whitten,

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

[FR Doc. 99-29624 Filed 11-10-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use a Passenger Facility Charge (PFC) at San Jose International Airport, San Jose, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at San Jose International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158). **DATES:** Comments must be received on or before December 13, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010-1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Ralph G. Tonseth, Director of Aviation, city of San Jose, Airport Department, at the following address: 1732 N. First Street, San Jose, CA 95112. Air carriers and foreign air carriers may submit copies of written comments previously provided to the city of San Jose under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, Airports Program Analyst, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010-1303, Telephone: (650) 876-2806. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose

¹⁴ In approving the temporary extension of the add-on-margin, the Commission has considered the rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ 15 U.S.C. 78s(b)(2).

¹⁷ In approving the proposal, the Commission has considered the rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

¹⁸ 17 CFR 200.30-3(a)(12).

and use the revenue from a PFC at San Jose International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158). On September 22, 1999, the FAA determined that the application to impose and use a PFC submitted by the city of San Jose was not substantially complete within the requirements of section 158.25 of Part 158. The following items are required to complete the application: Project not shown on an approved Airport Layout Plan, environmental requirements not complete, and the FAA airspace determination not complete. On October 5, 1999, the city of San Jose submitted supplemental information for this application. The FAA will approve or disapprove the application, in whole or in part, no later than February 4, 2000.

The following is a brief overview of the impose and use application No. 99-08-C-00-SJC:

Level of proposed PFC: \$3.00.

Proposed change effective date: July 1, 2002.

Proposed charge expiration date: September 1, 2003.

Total estimated PFC revenue: \$23,598,250.

Brief description of the proposed project: Interim Federal Inspection Services Facility.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/ Commercial Operators (ATCO) filing FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the city of San Jose.

Issued in Hawthorne, California, on October 28, 1999.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 99-29604 Filed 11-10-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA-1999-6250

Applicant: Burlington Northern and Santa Fe Railway, Mr. William G. Peterson, Director Signal Engineering, 4515 Kansas Avenue, Kansas City, Kansas 66106.

Burlington Northern and Santa Fe Railway seeks approval of the proposed discontinuance and removal of the "Rail Keepers" at each of the conley rail joints, on the Mississippi River Bridge, milepost 231.8, near Fort Madison, Iowa, Line Segment 7000, on the Illinois Division, Chillicothe Subdivision.

The reasons given for the proposed changes are that the "Rail Keepers" do not provide any added protection or safety, there is no requirement for these devices, and the weight of the bridge alone holds the conley's in place.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protester in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, Washington, D.C. 20590-0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.-5:00 p.m.) at DOT Central Docket Management Facility, Room PI-401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590-0001. All documents in the public docket are also available for

inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 4, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99-29494 Filed 11-10-99; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236.

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA-1999-6251.

Applicant: Canadian National Railway, Mr. Kenneth J. Bagby, Manager-Signals & Communications Installation, 2800 Livernois, Suite 310, Troy, Michigan 48007-5025.

The Canadian National Railway (former Grand Trunk and Western Railroad) seeks approval of the proposed discontinuance and removal of the automatic block signal system, on the single main track of the Pontiac Belt Line, between milepost 0.4 and milepost 2.49, and on Track 66-8 of the Cass City Subdivision connection of the Romeo Subdivision, near Pontiac, Michigan, Michigan Division, and govern train movements under the direction of the Pontiac Yard Coordinator.

The reason given for the proposed changes is to eliminate facilities no longer needed for present day operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protester in the proceeding. Additionally, one copy of