identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule under Executive Order 1229; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC on May 26, 1989.

Robert L. Goodrich,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 g.m.t. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97–449, January 12, 1983; and 14 CFR 11.49(b)(2)).

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective August 24, 1989

Kankakee, IL—Greater Kankakee, VOR RWY 4, Amdt. 5
Kankakee, IL—Greater Kankakee, VOR RWY 22, Amdt. 6
Kankakee, IL—Greater Kankakee, ILS RWY 4, Amdt. 5
Kankakee, IL—Greater Kankakee, RNAV RWY 22, Amdt. 3
Lansing MI—Capital City, VOR RWY 6, Amdt. 23
Lansing MI—Capital City, VOR RWY 24, Amdt. 7
Lansing MI—Capital City, NDB RWY 28L, Amdt. 23
Lansing MI—Capital City, ILS RWY 10R, Amdt. 8
Lansing MI—Capital City, ILS RWY 28L, Amdt. 24
Lansing MI—Capital City, RADAR-1, Amdt. 13

. . . Effective July 27, 1989

Nogales, AZ—Nogales Intl, VOR-A, Amdt. 2
Nogales, AZ—Nogales Intl, VOR/DME-B, Amdt. 2
Nogales, AZ—Nogales Intl, NDB-C, Amdt. 2
Paragould, AR—Kirk Field, VOR RWY 4, Orig.
Paragould, AR—Kirk Field, NDB RWY 4, Amdt. 1
Coeur D'Alene, ID—Coeur D'Alene Air Terminal, VOR RWY 1, Orig.
Tell City, IN—Perry County Muni, VOR RWY 31, Amdt. 3
Tell City, IN—Perry County Muni, NDB RWY 31, Amdt. 6
Bowling Green, KY—Bowling Green-Warren County, VOR/DME RWY 21, Amdt. 4
Hawesville, KY—Hancock Airfield, VOR RWY 15, Amdt. 4
Hawesville, KY—Hancock Airfield, VOR RWY 33, Amdt. 4
Hawesville, KY—Hancock Airfield, NDB-A, Amdt. 4
Owensboro, KY—Owensboro-Daviess County, VOR RWY 17, Amdt. 6
Owensboro, KY—Owensboro-Daviess County, VOR RWY 35, Amdt. 14
Owensboro, KY—Owensboro-Daviess County, NDB RWY 35, Amdt. 6
Owensboro, KY—Owensboro-Daviess County, ILS RWY 35, Amdt. 8
Lovelock, NV—Derby Field, VOR-C, Orig.
Lovelock, NV—Derby Field, VOR/DME-A, Orig.
Elizabeth City, NC—Elizabeth City CG Air Station/Muni, VOR RWY 19, Amdt. 9
Centerville, TN—Centerville Muni, VOR RWY 2, Amdt. 6
Centerville, TN—Centerville Muni, VOR/DME/RWY 2 Amdt. 1
Evanston, WY—Evanston-Uinta County Burns Field, VOR/DME RWY 23, Amdt. 2

. . . Effective June 29, 1989

Jacksonville, FL—Craig Muni, ILS RWY 32, Orig.
Monroe, NC—Monroe, VOR-A, Amdt. 10

. . . Effective May 22, 1989

Palm Springs, CA—Palm Springs Regional, VOR-B, Amdt. 2

The FAA published an Amendment in Docket No. 25901, Amdt. No. 1400 to Part 97 of the Federal Aviation Regulations (VOL 54 FR No. 99 Page 22416; dated Wednesday, May 24, 1989) under § 97.27 effective June 29, 1989, which is hereby amended as follows:

Bay City, TX—Bay City Muni, NDB RWY 13 Amdt. 2 is hereby rescinded. Amendment 1 remains in effect.

[FR Doc. 89-13456 Filed 6-6-89; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 202 and 203

[Release No. 34-26875]

Privacy Act of 1974, Specific Exemptions; Organization, Information and Requests, and Investigations, Technical Amendments

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Chairman of the Securities and Exchange Commission has exempted a system of records from certain provisions of the Privacy Act, to the extent that the system contains investigatory material compiled for law enforcement purposes. The system of records is a consolidation of a number of preexisting systems of records, and includes investigatory records for which the exemptions had previously been provided. The specific exemptions that had previously been claimed are preserved by the Chairman's action. Because these exemptions may only be asserted with respect to investigatory material compiled for law enforcement purposes, they are not being extended to public material, including public litigation files, that have been made part of the consolidated system of records.

The Securities and Exchange Commission has also amended certain rules regarding assistance to foreign

governments, to reflect the terminology contained in the Insider Trading and Securities Fraud Enforcement Act of 1988, Pub. L. No. 100-704, 102 Stat. 4677 ("ITSFEA"). The ITSFEA authorizes increased cooperation with "foreign securities authorities," a term defined therein. These rule amendments will clarify that assistance may be provided to foreign securities authorities under rules that now provide generally for assistance to, or otherwise refer to, foreign governmental authorities.

The Commission has also adopted amendments that delegate authority to the Director of the Division of Enforcement to grant requests made by trustees in bankruptcy for access to enforcement files, and that remove a provision regarding concurrence by the General Counsel in determinations to grant access requests in matters in which the Commission has entered a formal order of investigation.

EFFECTIVE DATE: June 7, 1989.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Hall, Senior Counsel, Division of Enforcement, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

1. Privacy Act Exemptions.

Notice is hereby given that the Chairman of the Securities and Exchange Commission has exempted a system of records from specified provisions of the Privacy Act of 1974, 5 U.S.C. 552a. The exempted system of records is a consolidation of previously-announced systems of records, maintained by the Division of Enforcement, the Commission's Records Officer, and the Commission's Regional and Branch Offices. The consolidated system contains nonpublic investigatory records, as well as litigation files and other public records.

Section 552a(k)(2) of the Act provides that the head of an agency may promulgate rules to exempt any system of records within the agency from sections 552a (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Act, if the system of records is "investigatory material compiled for law enforcement purposes." These sections of the Act from which exemption may be had generally require the Commission to notify an individual, upon request, of the existence of information contained in a record pertaining to the individual; permit access to such record and permit amendment or correction of such record; make available to an individual any required accounting of disclosures to third-parties; publish the sources of information in the system of records; and screen records to insure that only such information is maintained about the individual as is necessary and relevant to a required purpose of the Commission. The exemptions that may be asserted with respect to investigatory systems of records permit an agency to protect information when disclosure would interfere with the conduct of the agency's investigations.

Rule 312(a) of the Commission's Rules of Information and Requests was previously promulgated to exempt the investigatory records that have been included in the consolidated system of records. Rule 312(a) was based upon a finding that, among other things, disclosure of information in these investigatory files or disclosure of the identity of confidential sources would seriously undermine effective enforcement of the federal securities laws by prematurely alerting individuals to the fact that they are under investigation or by giving them access to the evidentiary bases for a Commission enforcement action.

In connection with the consolidation of the Commission's enforcement systems of records, the Chairman has amended Rule 312(a) to delete references to the separate systems of records that have been consolidated, and to add a reference to the new system. In addition, Rule 312(a) has been amended to reflect the name change of the Securities Violations Records and Bulletin to its present designation as the Litigation, Actions and Proceedings Bulletin. The amendment of Rule 312(a) preserves the exemptions applicable under the prior version of Rule 312(a) with respect to investigatory materials compiled for law enforcement purposes. The amendment does not extend the exemption to public records, including public litigation files, that have been included in the consolidated system but were not previously in systems of records that were exempted as investigatory materials compiled for law enforcement purposes.

The Chairman of the Securities and Exchange Commission is therefore promulgating the amendments to Rule 312(a) set forth below.

2. "Foreign Securities Authorities"

Notice is further given that the Securities and Exchange Commission has adopted technical rule amendments to Rules 19b and 30-4(a)(7) of the Commission's Rules of Organization (17 CFR 200.19b and 30-4(a)(7)), Rules 80(b) and 402 of the Rules of Information and Requests (17 CFR 200.80(b) and 402), Rule 5 of the Rules of Informal and Other Procedures (17 CFR 202.5), and Rule 2 of the Rules Relating to Investigations (17 CFR 203.2), each of which relates or refers to cooperation by Commission staff with foreign governments.

Rule 19b describes the functional responsibilities of the Director of the Division of Enforcement. Rule 30-4(a)(7) delegates authority to the Director of the Division of Enforcement to grant requests from foreign governmental authorities, among others, for access to materials in the Commission's files concerning nonpublic investigations. Rule 80(b) sets forth the exemptions that may be asserted by the Commission under the Freedom of Information Act ("FOIA"). Rule 402 sets forth the exemptions that may be asserted by the Commission under the Government in the Sunshine Act ("Sunshine Act"). Rule 5 provides an informal description of the Commission's procedures in conducting investigations. Rule 2 permits members of the Commission's staff to engage in discussions with various entities, including representatives of foreign governmental authorities, concerning nonpublic investigations.

The amendments adopted by the Commission with respect to these rules were made as a result of the enactment of the ITSFEA, which, among other things, expands the Commission's authority to undertake investigations at the request of foreign securities authorities. The ITSFEA amends the Securities Exchange Act of 1934 by adding section 3(a)(50) which defines "foreign securities authority" as "any foreign government, or any governmental body or regulatory organization empowered by a foreign government to administer or enforce its laws as they relate to securities matters."

The rule amendments update the language of Rules 19b, 30-4(a)(7), 80(b), 402, 5 and 2 by adding the term "foreign securities authority," as defined in new section 3(a)(50), to existing references to foreign governmental authorities. The amendments will thereby clarify that assistance under the rules will be provided to the foreign authorities specified in section 3(a)(50) in addition to other foreign authorities, or will otherwise conform the rules to the new statutory language.

3. Delegation of Authority. The Commission has a statutory advisory role in proceedings under the Bankruptcy Code, *see* 11 U.S.C. 1109(a), and, from time to time, provides assistance to trustees in bankruptcy by granting access to nonpublic information in enforcement files. The Commission has amended Rule 30-4(a)(7), the

Commission's rule delegating authority to the Director of the Division of Enforcement, to delegate authority to the staff to grant such requests from trustees in bankruptcy. The Commission has also amended Rules 19b and 2 to reflect this delegation.

In light of its experience in responding to access requests, the Commission has further amended Rule 30-4(a)(7) to remove the provision regarding concurrence by the General Counsel in determinations to grant access requests in matters in which the Commission has entered a formal order of investigation. The Commission has also amended Rules 19b and 21 (17 CFR 200.21) to reflect the removal of the concurrence requirement.

The Commission has determined that the rule amendments relate solely to agency organization, procedure or practice. Therefore, the provisions of the Administrative Procedure Act ("APA") regarding notice of proposed rulemaking and opportunities for public participation, 5 U.S.C. 553, are not applicable. Similarly, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which apply only when notice and comment rulemaking are required by the APA or other law, are not applicable. The Commission finds that the rule amendments will not impose any burden on competition. The Commission further finds, because of the technical nature of the amendments, that the APA requirement with respect to delay in the effective date of substantive rules, 5 U.S.C. 553(d), is also inapplicable to the amendments.

List of Subjects

17 CFR Part 200

Organization; conduct and ethics; and information and requests

17 CFR Part 202

Informal and other procedures

17 CFR Part 203

Rules relating to investigations.

For the reasons set out in the preamble, Title 17 of the Code of Federal Regulations is amended as follows:

PART 200—[AMENDED]

Subpart A—Organization and Program Management

1. The authority citation for Part 200, Subpart A, is amended by adding the following citations, and the authority citations following §§ 200.21 and 200.30-4 are removed:

Authority: Secs. 19, 23, 48 Stat. 85, 901, as amended; sec. 20, 49 Stat. 833; sec. 319, 53 Stat. 1173; secs. 38, 211, 54 Stat. 841, 855; sec. 308, 101 Stat. 1254 (15 U.S.C. 77s, 78d-1, 78d-2, 78w, 79t, 77sss, 80a-37, 80b-11), unless otherwise noted.

Section 200.21 is also issued under 15 U.S.C. 77t, 78u, 79r, 77uuu, 80a-41, 80b-9; 11 U.S.C. 901, 1109(a); and (5 U.S.C. 552a(d)(2)(B)(ii)).

Section 200.30-4 is also issued under 15 U.S.C. 77t, 78u, 79r, 77uuu, 80a-41, 80b-9.

* * * * *

2. Section 200.19b is revised to read as follows:

§ 200.19b Director of the Division of Enforcement.

The Director of the Division of Enforcement is responsible to the Commission for the supervision and conduct of all of the enforcement activities under each of the acts administered by the Commission and the investigations relating thereto. The Director is responsible also for recommending the institution of administrative and injunctive actions arising out of such investigations and enforcement activities and for the determination of whether the available evidence supports the allegations in the proposed complaint. In addition, the Director is responsible, in collaboration with the General Counsel, for the review of cases to be referred to the Department of Justice with a recommendation for criminal prosecution. The Director is responsible for granting or denying requests by domestic and foreign governmental authorities, foreign securities authorities, self-regulatory organizations, receivers, special counsels, and other similar persons appointed in Commission litigation, the Securities Investor Protection Corporation, trustees and counsel for trustees appointed pursuant to section 5(b) of the Securities Investor Protection Act, and trustees in bankruptcy, for access to materials in the Commission's enforcement files and, in collaboration with other involved Commission offices and divisions, regulatory files.

§ 200.21 [Amended]

3. Section 200.21(a) is amended by removing the fourth sentence.

4. Section 200.30-4 is amended by revising the first clause of the introductory paragraph, and paragraph (a)(7) to read as follows:

§ 200.30-4 Delegation of authority to Director of Division of Enforcement.

Pursuant to the provisions of Pub. L. No. 100-181, 101 Stat. 1254, 1255 (15 U.S.C. 78d-1, 78d-2), * * *

(a)(1) * * *

(7) To grant requests for access to, or copies of, materials in the Commission's enforcement and regulatory files upon written request for such access submitted by domestic and foreign governmental authorities, foreign securities authorities, self-regulatory organizations, receivers, special counsels, and other similar persons appointed in Commission litigation, the Securities Investor Protection Corporation, trustees and counsel for trustees appointed pursuant to section 5(b) of the Securities Investor Protection Act, and trustees in bankruptcy; *Provided* That requests for access to, or copies of, materials in the Commission's regulatory files shall be granted only with the concurrence of the head of the Commission division or office responsible for such files or his or her delegate.

* * * * *

Subpart D—Information and Requests

5. The authority citation for Part 200, Subpart D, continues to read as follows:

Authority: 80 Stat. 383, as amended, 31 Stat. 54, secs 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 85, 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 5 U.S.C. 552, as amended, 15 U.S.C. 77f(d), 77s, 77ggg(a), 78m(F)(3), 78w, 79t, 79v(a), 77sss, 80a-37, 80a-44(c), 80a-44(b), 80b-10(a), 80b-11.

Section 200.80 is also issued under 5 U.S.C. 552b; Pub. L. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2; Pub. L. 93-502; Pub. L. 93-579; 15 U.S.C. 78a *et seq.*, as amended by Pub. L. 94-29 (June 4, 1975) and by secs. 11A, 15, 19 and 23 of Pub. L. 98-38 (June 6, 1983) (15 U.S.C. 78k-1, 78o, 78s and 78w); 11 U.S.C. 901, 1109(a).

6. Section 200.80 is amended by revising paragraphs (b)(7)(i) introductory text, (b)(7)(i)(A), (b)(7)(ii), and (b)(8) to read as follows:

§ 200.80 Commission records and information.

* * * * *

(b) * * *

(7)(i) Records or information compiled for law enforcement purposes to the extent that the production of such records or information:

(A) Could reasonably be expected to interfere with enforcement activities undertaken or likely to be undertaken by the Commission or the Department of Justice, or any United States Attorney, or any Federal, state, local, foreign governmental authority or foreign securities authority, any professional association, or any securities industry self-regulatory organization;

* * * * *

(ii) The term "investigatory records" includes, but is not limited to, all documents, records, transcripts, evidentiary materials of any nature, correspondence, related memoranda, or work product concerning any examination, any investigation (whether formal or informal), or any related litigation, which pertains to, or may disclose, the possible violation by any person of any provision of any statute, rule, or regulation administered by the Commission, by any other Federal, state, local, or foreign governmental authority or foreign securities authority, by any professional association, or by any securities industry self-regulatory organization. The term "investigatory records" also includes all written communications from, or to, any person complaining or otherwise furnishing information respecting such possible violations, as well as all correspondence or memoranda in connection with such complaints or information.

(8) Contained in, or related to, any examination operating, or condition report prepared by, on behalf of, or for the use of, the Commission, any other Federal, state, local, or foreign governmental authority or foreign securities authority, or any securities industry self-regulatory organization, responsible for the regulation or supervision of financial institutions.

* * * * *

Subpart H—Regulations Pertaining to the Privacy of Individuals and Systems of Records Maintained by the Commission

7. The authority citation for Part 200, Subpart H, continues to read as follows:

Authority: Pub. L. 93–579, sec. (f), 5 U.S.C. 552a(f), unless otherwise noted.

Section 200.312 is also issued under Pub. L. 93–579, sec. k, 5 U.S.C. 552a(k).

8. Section 200.312 is amended by revising paragraph (a) introductory text and (a)(1)–(8), and by removing (a)(9)–(29), to read as follows:

§ 200.312 Specific exemptions.

* * * * *

(a) Pursuant to, and limited by 5 U.S.C. 552a(k)(2), the following systems of records maintained by the Commission shall be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) and 17 CFR 200.303, 200.304, and 200.306, insofar as they contain investigatory materials compiled for law enforcement purposes:

(1) Enforcement Files;

(2) Litigation, Actions and Proceedings Bulletin;

(3) Office of the General Counsel Working Files;

(4) Office of the Chief Accountant Working Files;

(5) Complaint processing System;

(6) Investor Service Complaint Index;

(7) Name-Relationship Index System; and

(8) Rule 2(e) of the Commission's Rules of Practice—Appearing or Practicing Before the Commission.

* * * * *

Subpart I—Regulations Pertaining to Public Observation of Commission Meetings

9. The authority citation for Part 200, Subpart I, continues to read as follows, and the authority citation following section 200.402 is removed:

Authority: 5 U.S.C. 552b, unless otherwise noted.

10. Section 200.402 is amended by revising paragraphs (a)(5)(iv), (a)(7)(i)(A), (a)(7)(ii), (a)(8), and (a)(9)(ii) to read as follows:

§ 200.402 Closed meetings.

(a) * * *

(5) * * *

(iv) Transmit, or disclose, with or without recommendation, any Commission memorandum, file, document, or record to the Department of Justice, a United States Attorney, any federal, state, local, or foreign governmental authority or foreign securities authority, any professional association, or any securities industry self-regulatory organization, in order that the recipient may consider the institution of proceedings against any person or the taking of any action that might involve accusing any person of a crime or formally censuring any person; or

* * * * *

(7)(i) * * *

(A) Interfere with enforcement activities undertaken, or likely to be undertaken, by the Commission or the Department of Justice, or any United States Attorney, or any Federal, State, local, or foreign governmental authority or foreign securities authority, any professional association, or any securities industry self-regulatory organization;

* * * * *

(ii) The term "investigatory records" includes, but is not limited to, all documents, records, transcripts, evidentiary materials of any nature, correspondence, related memoranda, or work product concerning any examination, any investigation (whether formal or informal), or any related litigation, which pertains to, or may disclose, the possible violation by any person of any provision of any statute, rule, or regulation administered by the Commission, by any other Federal, State, local, or foreign governmental authority or foreign securities authority, by any professional association, or by any securities industry self-regulatory organization. The term "investigatory records" also includes all written communications from, or to, any person complaining or otherwise furnishing information respecting such possible violations, as well as all correspondence or memoranda in connection with such complaints or information.

(8) Disclose information contained in, or related to, any examination, operating, or condition report prepared by, on behalf of, or for the use of, the Commission, any other federal, state, local, or foreign governmental authority or foreign securities authority, or any securities industry self-regulatory organization, responsible for the regulation or supervision of financial institutions.

(9) * * *

(ii) Significantly frustrate the implementation, or the proposed implementation, of any action by the Commission, any other federal, state, local or foreign governmental authority, any foreign securities authority, or any securities industry self-regulatory organization: *Provided, however,* That this paragraph (a)(9)(ii) shall not apply in any instance where the Commission has already disclosed to the public the precise content or nature of its proposed action, or where the Commission is expressly required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal.

* * * * *

PART 202—INFORMAL AND OTHER PROCEDURES

11. The authority citation for Part 202 is amended by adding the following citation, and the authority citation following § 202.5 is removed:

Authority: Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a–37, 80b–11, unless otherwise noted.

Section 202.5 is also issued under sec. 20, 48 Stat. 86, sec. 21, 48 Stat. 899, sec. 18, 49 Stat. 831, sec. 321, 53 Stat. 1174, sec. 1, 76 Stat. 394, 15 U.S.C. 77t, 78u, 79r, 77uuu, 80a–4l, 80b–9, 78d–1.

12. Section 202.5 is amended by revising paragraph (b) to read as follows:

§ 202.5 Enforcement activities.

* * * * *

(b) After investigation or otherwise the Commission may in its discretion take one or more of the following actions: Institution of administrative proceedings looking to the imposition of remedial sanctions, initiation of injunctive proceedings in the courts, and, in the case of a willful violation, reference of the matter to the Department of Justice for criminal prosecution. The Commission may also, on some occasions, refer the matter to, or grant requests for access to its files made by, domestic and foreign governmental authorities or foreign securities authorities, self-regulatory organizations such as stock exchanges or the National Association of Securities Dealers, Inc., and other persons or entities.

* * * * *

PART 203—RULES RELATING TO INVESTIGATIONS

13. The authority citation for Part 203 continues to read as follows:

Authority: Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855 as amended; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11, unless otherwise noted.

Subpart A—In General

14. Section 203.2 is revised to read as follows:

§ 203.2 Information obtained in investigations and examinations.

Information or documents obtained by the Commission in the course of any investigation or examination, unless made a matter of public record, shall be deemed non-public, but the Commission approves the practice whereby officials of the Division of Enforcement at the level of Assistant Director or higher, and officials in Regional Offices at the level of Assistant Regional Administrator or higher, may engage in, and may authorize members of the Commission's staff to engage in, discussions with representatives of domestic and foreign governmental authorities, foreign securities authorities, self-regulatory organizations, receivers, special counsels, and other similar persons appointed in Commission litigation, the Securities Investor Protection Corporation, trustees and counsel for trustees appointed pursuant to section 5(b) of the Securities Investor Protection Act, and trustees in bankruptcy, concerning information obtained in individual investigations, including examinations and formal investigations conducted pursuant to Commission order.

By the Commission.

Date: May 30, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-13516 Filed 6-6-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1902, 1903, 1908, 1910, 1915, 1917, 1918, and 1926

Display or Removal of Management and Budget Control Numbers Assigned to Collections of Information Contained in Regulations; Technical Amendments to CFR

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Technical Amendments to CFR.

SUMMARY: This document amends certain OSHA regulations to include or remove a control number assigned by the Director of the Office of Management and Budget (OMB). The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq. and 5 CFR Part 1320) requires display of an OMB control number on all information collection provisions.

EFFECTIVE DATE: June 7, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Office of Public Affairs, Room N-3649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq. and 5 CFR Part 1320) requires the display of an OMB control number for all regulations containing information collection requirements. In certain instances, the Department inadvertently did not include the OMB number at the end of the appropriate section of the regulatory text. In addition, the agency has found numbers incorrectly displayed; typographical errors; and OMB numbers displayed in sections where the information collection requirements were removed. The Agency, therefore, is making technical amendments to the regulations cited, adding parenthetically the OMB approval numbers; removing numbers where information collection is no longer required; and correcting the typographical error.

Since these are minor technical amendments to the regulations, OSHA finds good cause, under 5 U.S.C. 553 and 29 CFR 1911.5, for not providing notice and public procedure and delayed effective dates for these amendments.

Parts 1902, 1903, 1908, 1910, 1915, 1917, 1918 and 1926 of Title 29 of the Code of Federal Regulations are amended as set forth below:

PARTS 1902, 1903, 1908, 1910, 1915, 1917, 1918, and 1926—[AMENDED]

§ 1902.3 [Amended]

1. In § 1902.3, by adding a parenthetical, as follows, at the end of the regulatory text:

(Approved by the Office of Management and Budget under control number 1218-0004)

§ 1903.11 [Amended]

2. In § 1903.11, by adding a parenthetical, as follows, at the end of the regulatory text:

(Approved by the Office of Management and Budget under control number 1218-0064)

§ 1908.6, 1908.7, 1908.9 and 1908.10 [Amended]

3. In §§ 1908.6, 1908.7, 1908.9, and 1908.10, by adding a parenthetical, as follows, at the end of the regulatory text of each section:

(Approved by the Office of Management and Budget under control number 1218-0110)

§ 1910.7 [Amended]

4. In § 1910.7, the parenthetical displaying the OMB control number at the end of Appendix A is transferred to the end of the regulatory text preceding the appendix.

§ 1910.20 [Amended]

5. In § 1910.20, by adding a parenthetical, as follows, at the end of the regulatory text:

(Approved by the Office of Management and Budget under control number 1218-0065)

§ 1910.66 [Amended]

6. In § 1910.66, by adding a parenthetical, as follows, at the end of the regulatory text:

(Approved by the Office of Management and Budget under control number 1218-0121)

§ 1910.95 [Amended]

7. In § 1910.95, the parenthetical displaying the OMB control number at the end of Appendix I is transferred to the end of the regulatory text preceding Appendix A.

§ 1910.217 [Amended]

8. In § 1910.217, by revising the parenthetical at the end of the regulatory text to read as follows:

(The information collection requirements contained in paragraph (g) were approved by the Office of Management and Budget under control number 1218-0070. The information collection requirements contained in paragraph (h) were approved by the Office of Management and Budget under control number 1218-0143)

9. In § 1910.272, the parenthetical displaying the OMB control number at the end of Appendix C is transferred to the end of the regulatory text preceding Appendix A.

§ 1910.421 [Amended]

10. In § 1910.421, by revising the parenthetical at the end of the regulatory text to read as follows:

(Approved by the Office of Management and Budget under control number 1218–0069)

§ 1910.1001 [Amended]

11. In § 1910.1001, the parenthetical displaying the OMB control number at the end of Appendix H is transferred to the end of the regulatory text preceding Appendix A.

§ 1910.1015 [Amended]

12. In § 1910.1015, by revising the parenthetical at the end of the regulatory text to read as follows:

(Approved by the Office of Management and Budget under control number 1218–0044)

§ 1910.1017 [Amended]

13. In § 1910.1017, by adding a parenthetical, as follows, at the end of the regulatory text immediately preceding Appendix A:

(Approved by the Office of Management and Budget under control number 1218–0010)

§ 1910.1018 [Amended]

14. In § 1910.1018, by adding a parenthetical, as follows, at the end of the regulatory text immediately preceding Appendix A:

(Approved by the Office of Management and Budget under control number 1218–0104)

§ 1910.1025 [Amended]

15. In § 1910.1025, the parenthetical displaying the OMB control number at the end of Appendix D is transferred to the end of the regulatory text preceding Appendix A.

§ 1910.1028 [Amended]

16. In § 1910.1028, by adding a parenthetical, as follows, at the end of the regulatory text immediately preceding Appendix A:

(Approved by the Office of Management and Budget under control number 1218–0129)

§ 1910.1029 [Amended]

17. In § 1910.1029, by adding a parenthetical, as follows, at the end of the regulatory text immediately preceding Appendix A:

(Approved by the Office of Management and Budget under control number 1218–0128)

§ 1910.1043 [Amended]

18. In § 1910.1043, the parenthetical at the end of Appendix E is removed and a new parenthetical is added at the end of the regulatory text immediately preceding Appendix A to read as follows:

(Approved by the Office of Management and Budget under control 1218–0061)

§ 1910.1044 [Amended]

19. In § 1910.1044, the parenthetical displaying the OMB control number at the end of Appendix C is transferred to the end of the regulatory text preceding Appendix A.

§ 1910.1045 [Amended]

20. In § 1910.1045, by adding a parenthetical, as follows, at the end of the regulatory text immediately preceding Appendix A:

(Approved by the Office of Management and Budget under control number 1218–0126)

§ 1910.1047 [Amended]

21. In § 1910.1047, the parenthetical displaying the OMB control number at the end of Appendix D is transferred to the end of the regulatory text preceding Appendix A.

§ 1910.1048 [Amended]

22. In § 1910.1048, the parenthetical at the end of Appendix E is removed and a new parenthetical is added at the end of the regulatory text immediately preceding Appendix A to read as follows:

(Approved by the Office of Management and Budget under control number 1218–0145)

§ 1910.1101 [Amended]

23. In § 1910.1101, the parenthetical at the end of the regulatory text is amended by removing control number "1218–0010" and inserting control number "1218–0133".

§ 1910.1200 [Amended]

24. In § 1910.1200, the parenthetical displaying the OMB control number at the end of Appendix D is transferred to the end of the regulatory text preceding Appendix A.

§§ 1910.68, 1910.252, and 1910.268 [Amended]

25. In §§ 1910.68, 1910.252, and 1910.268, the parenthetical displaying OMB control numbers at the end of the regulatory text are removed.

§ 1915.7 [Amended]

26. In § 1915.7, by adding a parenthetical, as follows, at the end of the regulatory text:

(Approved by the Office of Management and Budget under control number 1218–0011)

§ 1915.95 [Amended]

27. In § 1915.95, the parenthetical at the end of the regulatory text is removed.

§ 1926.250 [Amended]

28. In § 1926.250, the parenthetical at the end of the regulatory text is amended by correcting OMB control number "1218–0003" to read "1218–0093".

§ 1926.404 [Amended]

29. In § 1926.404 the parenthetical at the end of the regulatory text is revised to read as follows:

(Approved by the Office of Management and Budget under control number 1218–0130)

§ 1926.550 [Amended]

30. In § 1926.550 the parenthetical at the end of the regulatory text is revised to read as follows:

(The information collection requirements contained in paragraph (a)(1) are approved by the Office of Management and Budget under control number 1218–0115. The information collection requirements contained in paragraph (a)(6) are approved by the Office of Management and Budget under control number 1218–0113. The information collection requirements contained in paragraph (a)(11) are approved by the Office of Management and Budget under control number 1218–0054.)

31. In §§ 1915.99, 1917.28, 1918.90, and 1926.59, the parenthetical displaying the OMB control number at the end of Appendix D is transferred to the end of the regulatory text preceding Appendix A.

Signed at Washington, DC, this 26th day of May 1989.

Alan C. McMillan,

Acting Assistant Secretary of Labor.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3551-2]

Approval and Promulgation of State Implementation Plans for Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming; Stack Height Analyses and Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.