airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure 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 the 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 August 4, 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 September 21, 1989*

Phoenix, AZ—Phoenix Sky Harbor Intl, VOR RWY 26L, Amdt. 21
Phoenix, AZ—Phoenix Sky Harbor Intl, LOC BC RWY 26L, Amdt. 5
Fernandina Beach, FL—Fernandina Beach Muni, RADAR-1, Amdt. 3
Jacksonville, FL—Craig Muni, VOR RWY 14, Amdt. 2
Jacksonville, FL—Craig Muni, VOR RWY 32, Amdt. 2
Sarasota/Bradenton, FL—Sarasota-Bradenton, NDB RWY 32, Amdt. 5
McRae, GA—Telfair-Wheeler, NDB RWY 20, Amdt. 8
Kahului, HI—Kahului, NDB RWY 2, Orig.
Fort Wayne, IN—Fort Wayne Muni/Baer Field, NDB RWY 32, Amdt. 23
Fort Wayne, IN—Fort Wayne Muni/Baer Field, ILS RWY 32, Amdt. 26
Tipton, IA—Mathews Memorial, VOR RWY 11, Orig.
Kalispell, MT—Glacier Park Intl, VOR RWY 30, Amdt. 8
Kalispell, MT—Glacier Park Intl, ILS RWY 2, Amdt. 4
Teterboro, NJ—Teterboro, VOR/DME-B, Amdt. 2
New York, NY—John F. Kennedy Intl, ILS RWY 31L, Amdt. 7
Athens, TX—Athens Muni, NDB RWY 35, Amdt. 3
Lancaster, TX—Lancaster, NDB RWY 31, Orig.
Mesquite, TX—Phil L. Hudson Muni, LOC/DME (BC) RWY 35, Orig.
Abingdon, VA—Virginia Highlands, NDB RWY 24, Orig., CANCELLED
Richmond, VA—Richmond Intl (Byrd Field), MLS RWY 2, Amdt. 1, CANCELLED
Tangier, VA—Tangier Island, VOR/DME RWY 2, Amdt. 6

* * * *Effective August 24, 1989*

Fort Pierce, FL—St Lucie County Intl, NDB RWY 9, Orig.
Orlando, FL—Orlando Intl, ILS RWY 17, Orig.
Orlando, FL—Orlando Intl, ILS RWY 18R, Amdt. 4
Orlando, FL—Orlando Intl, ILS RWY 35, Orig.
Orlando, FL—Orlando Intl, ILS RWY 36R, Amdt. 5
Tifton, GA—Henry Tift Myers, NDB RWY 33, Orig.
Tifton, GA—Henry Tift Myers, NDB RWY 33, Amdt. 12, CANCELLED
Tifton, GA—Henry Tift Myers, ILS RWY 33, Orig.
Cedar Rapids, IA—Cedar Rapids Muni, VOR RWY 9, Amdt. 16
Cedar Rapids, IA—Cedar Rapids Muni, VOR RWY 27, Amdt. 11
Cedar Rapids, IA—Cedar Rapids Muni, NDB RWY 9, Amdt. 11
Cedar Rapids, IA—Cedar Rapids Muni, ILS RWY 9, Amdt. 15
Cedar Rapids, IA—Cedar Rapids Muni, ILS RWY 27, Amdt. 4
Cedar Rapids, IA—Cedar Rapids Muni, RNAV RWY 13, Amdt. 7
Cedar Rapids, IA—Cedar Rapids Muni, RNAV RWY 31, Amdt. 7
Ardmore, OK—Ardmore Muni, VOR RWY 4, Amdt. 17
Ardmore, OK—Ardmore Muni, LOC RWY 30, Amdt. 1, CANCELLED
Ardmore, OK—Ardmore Muni, NDB RWY 30, Amdt. 2
Ardmore, OK—Ardmore Muni, ILS RWY 30, Orig.

* * * *Effective July 27, 1989*

Colorado Springs, CO—City of Colorado Springs Muni, ILS RWY 35, Amdt. 34
Raleigh/Durham, NC—Raleigh/Durham, ILS RWY 23R, Amdt. 5

[FR Doc. 89-19051 Filed 8-14-89; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Part 303

[Docket Nos. 42825 and 42802; Amdt. 303-2]

RIN 2105-AB48

Review of Air Carrier Agreements

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Final rule; removal.

SUMMARY: This action revises procedural rules regarding the processing of aviation-related agreements, mergers, interlocking relationships, and requests for antitrust immunity. Due to termination of

statutory authority, certain provisions are no longer in effect.

EFFECTIVE DATE: September 14, 1989.

FOR FURTHER INFORMATION CONTACT: Lawrence Myers, Office of the Assistant General Counsel for International Law, U.S. Department of Transportation, 400 Seventh Street, SW., 20590, (202) 366-2972.

SUPPLEMENTARY INFORMATION: The Department of Transportation (DOT), on July 31, 1985, issued final procedural rules (50 FR 31134) implementing sections 408, 409, 412 and 414 of the Federal Aviation Act of 1958, as amended ("the Act"). These rules, set forth in 14 CFR Part 303, Review of Air Carrier Agreements, Mergers, Acquisitions of Control, Consolidations and Interlocking Relationships, consolidated and restructured former Civil Aeronautics Board regulations regarding the processing of certain aviation-related agreements, mergers, interlocking relationships, and requests for antitrust immunity.

Section 408 of the Act prohibited airline consolidations, mergers and acquisitions of control absent prior approval by DOT. Section 409 of the Act prohibited certain interlocking relationships without DOT approval. As of January 1, 1989, pursuant to the Civil Aeronautics Board Sunset Act of 1984, both statutory sections ceased to be in effect. These airline transactions are now subject to the antitrust procedures and standards applicable to comparable transactions in unregulated industries.

Section 412 concerns carrier agreements between air carriers and provides standards for determining whether such agreements should be approved or disapproved. Section 414 allows DOT to grant antitrust immunity to an approved section 408, 409 or 412 transaction. Pursuant to Sunset Act provisions, DOT's authority under sections 412 and 414 to approve and grant antitrust immunity to air carrier agreements relating to interstate and overseas air transportation, terminated as of January 1, 1989. In Order 88-12-11, DOT determined that the antitrust immunity previously granted to agreements relating to interstate and overseas air transportation also terminated on January 1, 1989. However, DOT still has authority under sections 412 and 414 to approve and grant antitrust immunity to agreements affecting foreign air transportation. We are therefore removing those provisions and references in part 303 which have been rendered obsolete by these statutory changes. Because these changes merely conform our rules to changes in our legal authority, we find that notice and comment are unnecessary.

List of Subjects in 14 CFR Part 303

Air carriers, Antitrust, Administrative practices and procedures, Reporting and recordkeeping requirements.

1. The authority citation is revised to read as follows:

Authority: 49 U.S.C. 1301, 1302, 1303, 1324, 1371, 1377, 1382, 1383, 1384, 1386, 1388, 1551.

PART 303—REVIEW OF AIR CARRIER AGREEMENTS

2. The title of part 303 is revised to read as set forth above.

3. Section 303.01 is revised to read as follows:

§ 303.01 Purpose.

These regulations set forth the procedures by which applications may be made to the Department of Transportation under sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions.

§ 303.02 [Amended]

4. Section 303.02 is amended by removing and reserving paragraphs (f), (g), and (i):

* * * * *

(f) [Reserved]

(g) [Reserved]

(h) * * *

(i) [Reserved]

5. Section 303.03 is revised to read as follows:

§ 303.03 Requirement to file application.

A person who seeks approval of a section 412 transaction must file with the Documentary Services Division an application that conforms to the requirements set forth in §§ 303.04 and 303.05 of this part.

§ 303.04 [Amended]

6. In § 303.04, paragraphs (a), (b) and (c) are revised to read as follows:

(a) Unless specifically exempted by these regulations or by an order of the Assistant Secretary, a person filing an application pursuant to § 303.03 of this part shall prepare and file the application in the manner specified in this section. The application shall also contain the information required by subpart D of this part. An application may be deemed incomplete if it is not in substantial compliance with these requirements.

(b) The parties to the transaction may file either separate applications or one joint application so long as all the information required herein is submitted for each party to the transaction. The Assistant Secretary or Administrative Law Judge, if the matter has been assigned to a judge, upon his or her initiative or upon application, may order the target company or other persons to submit some or all of the information required by this subpart, or other information under 14 CFR 302.19.

(c) Each page of the application and each document submitted with the application shall be marked with the name, initials, or some other identifying symbol of the applicant. The application shall also indicate the date of preparation and the name and corporate position of the preparer.

* * * * *

§ 303.05 [Amended]

7. Section 303.05 is amended by removing and reserving (b) to read as follows:

* * * * *

(b) [Reserved]

* * * * *

8. Section 303.06 is revised to read as follows:

§ 303.06 Review of antitrust immunity.

The Assistant Secretary may initiate a proceeding to review any antitrust immunity previously conferred by the Civil Aeronautics Board or the Department in any section 412 transaction. The Assistant Secretary may terminate or modify such immunity if the Assistant Secretary finds after notice and hearing that the previously conferred immunity is not consistent with the provisions of section 414. In any proceeding to review such immunity, the proponents of the immunity will have the burden of justifying the continuation of previously conferred immunity under the provisions of section 414.

9. Section 303.07 is revised to read as follows:

§ 303.07 Transitional rule.

If a section 412 application or a request for antitrust immunity under section 414 is pending on the date this part is amended, such application or request shall be deemed made pursuant to the provisions of this part, as amended.

§§ 303.10-303.19 (Subpart B) [Removed and reserved]

10. Subpart B is removed and reserved.

§§ 303.20-303.24 (Subpart C) [Removed and reserved]

11. Subpart C is removed and reserved.

§ 303.43 [Amended]

12. Section 303.43 is amended by removing and reserving (a) and revising (b) as follows:

(a) [Reserved]

(b) *Section 412 applications.* After the period for which comments, requests for a hearing or responses to an order to show cause are due concerning a section 412 application, the Assistant Secretary may proceed by order requesting further information or justification or by order of approval or disapproval or, in appropriate cases, may proceed by order to show cause or by order instituting a full evidentiary hearing.

* * * * *

§§ 303.50-303.57 (Subpart F) [Removed]

13. Subpart F is removed.

Issued under authority delegated in 49 CFR 1.56(i) and 1.56(j)(2)(ii).

Issued in Washington D.C. on August 8, 1989.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-19017 Filed 8-14-89; 8:45 am]

BILLING CODE 4910-62-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 230, and 260

[Rel. Nos. 33-6843; 34-27099; 35-24934; 39-2218; IA-1185; IC-17098]

Delegation of Authority to the Office of General Counsel

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission has made certain changes to the General Counsel's delegated authority to approve non-expert, non-privileged, factual staff testimony, and the production of non-privileged documents, by present and former Commission employees pursuant to validly-issued subpoenas.

EFFECTIVE DATE: August 15, 1989.

FOR FURTHER INFORMATION CONTACT: Colleen P. Mahoney, Assistant General Counsel, 272-2871, Thomas G. Sheehan, Special Counsel, 272-3071.

SUPPLEMENTARY INFORMATION: The Commission has amended the existing delegation of authority to the General Counsel to add the authority to approve present and former Commission employees' non-expert, non-privileged testimony, and the production of non-privileged documents, when validly subpoenaed in government (other than Commission) litigation. Previously, the General Counsel's delegated authority extended only to subpoenas issued in private litigation. In addition, the Commission has amended the General Counsel's delegated authority to make clear that the General Counsel may authorize both present and former employees' testimony in response to such subpoenas. The existing delegation does not clearly encompass the testimony of former Commission employees. Finally, these amendments make certain technical and conforming changes to the General Counsel's authority in these areas.

The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)), that this revision relates solely to agency organization, procedures, or practices. It is therefore not subject to the provisions of the Administrative Procedure Act requiring notice and opportunity for comment. Accordingly, it is effective upon publication in the **Federal Register**.

Lists of Subjects

17 CFR Part 200

Administrative practice and procedure, Freedom of information, Privacy, Securities.

17 CFR Parts 230 and 260

Reporting and recordkeeping requirements, Securities.

Text of Amendments

Title 17, Chapter II of the Code of Federal Regulations is hereby amended as follows:

PART 200—ORGANIZATIONS; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for part 200, subpart A continues to read in part 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 (15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11), unless otherwise noted. * * * § 200.30-14 also issued under Pub. L. 94-29, 89 Stat. 163, Pub. L. 87-592, 76 Stat. 395, 15 U.S.C. 78d-1, 78d-2, 5 U.S.C. 552a(d)(2)(B)(ii).

2. Section 200.30-14 is amended by revising paragraph (f) as follows:

§ 200.30-14

Delegation of authority to the General Counsel.

* * * * *

(f) Approve non-expert, non-privileged, factual testimony by present or former staff members, and the production of non-privileged documents, when validly subpoenaed.

3. The authority citation for part 200, subpart M 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 (15 U.S.C. 77s, 78w, 79t, 79sss, 80a-37, 80b-11; E.O. 11222); 3 CFR 1964-65 Comp., 5 CFR 735.104, unless otherwise noted.

4. Section 200.735-3 is amended by revising paragraphs (b)(7)(ii) and (b)(7)(iii) as set forth below. Footnote 6 which appears in the current codification of 17 CFR 200.735-3(b)(7)(iii) is not being amended, and consequently has not been reproduced here.

§ 200.735-3 **General provisions.**

* * * * *

(b) * * *

(7) * * *

(ii) Except where the Commission or the General Counsel, pursuant to delegated authority, has previously granted approval or in relation to a Commission administrative proceeding or a judicial proceeding in which the Commission, or a present or former Commissioner, or present or former member of the staff, represented by Commission counsel, is a party, any officer, employee or former officer or employee who is served with a subpoena requiring the disclosure of confidential or non-public information or documents shall, unless the Commission or the General Counsel, pursuant to delegated authority, authorizes the disclosure of such information or documents, respectfully decline to disclose the information or produce the documents called for, basing his or her refusal on this paragraph.

(iii) Any member, employee or former member or employee who is served with such a subpoena not covered by the exceptions in paragraph (b)(7)(ii) of this section shall promptly advise the General Counsel of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability in the public interest of making available such information or documents.[6] The Commission or the General Counsel, pursuant to delegated authority, shall authorize the disclosure of non-expert, non-privileged, factual staff testimony and the production of non-privileged documents when validly subpoenaed.

* * * * *

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

5. The authority citation for part 230, §§ 230.100 through 230.215, continues to read as follows:

Authority: Sec. 19, 48 Stat. 85, as amended; 15 U.S.C. 77s, unless otherwise noted.

6. The fourth sentence of § 230.122 is revised to read as follows:

§ 230.122 Nondisclosure of information obtained on the course of examinations and investigations.

* * * Any officer or employee who is served with such a subpoena shall promptly advise the General Counsel of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear on the desirability of making available such information or documents.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

7. The authority citation for part 260 continues to read as follows:

Authority: Secs. 305, 307, 314, 319, 53 Stat. 1154, 1156, 1167, 1173; 15 U.S.C. 77eee, 77ggg, 77nnn, 77sss, unless otherwise noted.

8. The second sentence of § 260.0-6 is revised to read as follows:

§ 260.0-6 Nondisclosure of information obtained in the course of examinations and investigations.

* * * Except as provided by 17 CFR 203.2, officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer or employee of the Commission, unless the Commission or the General Counsel, pursuant to delegated authority, authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest.

* * *

By the Commission.

Dated: August 4, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-19069 Filed 8-14-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Poloxalene

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Purina Mills, Inc., providing for use of a molasses, medicated feed block containing 6.6 percent poloxalene for controlling legume (alfalfa, clover) and wheat pasture bloat in cattle.

EFFECTIVE DATE: August 15, 1989.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Purina Mills, Inc., P.O. Box 66812, St. Louis, MO 63166-6812, filed NADA 140-869 which provides for use of a molasses, medicated feed block containing 6.6 percent poloxalene for control of legume (alfalfa, clover) and wheat pasture bloat in cattle. The NADA is approved and the regulations are amended by adding new 21 CFR 520.1840 (c)(4) and (d)(4) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(vi) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Section 520.1840 is amended by adding new paragraphs (c)(4) and (d)(4) to read as follows:

§ 520.1840 Poloxalene.

* * * * *

(c) * * *

(4) See No. 017800 in 510.600(c) of this chapter for sponsor of the usage provided by paragraph (d)(4) of this section.

(d) * * *

(4) For control of legume (alfalfa, clover) and wheat pasture bloat in cattle. Administer in molasses block containing 6.6 percent poloxalene, at the rate of 0.8 ounce of block (1.5 grams of poloxalene) per 100 pounds of body weight per day. Provide access to blocks at least 7 days before exposure to bloat-producing conditions.

Dated: August 8, 1989.

Richard H. Teske,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 89-19067 Filed 8-14-89; 8:45 am]

BILLING CODE 4160-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1626

Procedures; Age Discrimination in Employment Act

AGENCY: Equal Employment Opportunity Commission (EEOC, Commission).

ACTION: Notice of final rule.

SUMMARY: The Commission hereby publishes notice of a final rule under section 9 of the Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. 621 *et seq.*, amending its procedural regulations by providing that the one-year tolling provision of section 7(e)(2) of the ADEA, 29 U.S.C. 626(e)(2), applies to private party litigation.

EFFECTIVE DATE: September 14, 1989.

FOR FURTHER INFORMATION CONTACT: John K. Light, Office of Legal Counsel, EEOC, 1801 L Street NW., Washington, DC 20507 (202) 663-4690.