

current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (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

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on January 27, 1995.

**Thomas C. Accardi,**

*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 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

**Authority:** 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.27 NDB, NDB/DME; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

\* \* \* *Effective March 30, 1995*

St. Mary's, AK, St Mary's, NDB/DME or GPS RWY 16, Amdt 1A  
 St. Mary's, AK, St Mary's, NDB or GPS RWY 34, Orig-A  
 St. Paul Island, AK, St. Paul Island, NDB/DME or GPS RWY 18, Amdt 1A  
 St. Paul Island, AK, St. Paul Island, NDB-3 or GPS RWY 36, Amdt 1  
 Tanana, AK, Ralph M. Calhoun Memorial, VOR/DME or GPS RWY 6, Orig  
 Tanana, AK, Ralph M. Calhoun Memorial, VOR or GPS-A, Amdt 6  
 Tanana, AK, Ralph M. Calhoun Memorial, NDB or GPS-B, Amdt 3  
 Togiak Village, AK, Togiak, NDB/DME or GPS-A, Orig-A  
 Togiak Village, AK, Togiak, NDB or GPS-B, Orig-A  
 Alexander City, AL, Thomas C. Russell Field, NDB or GPS-A, Amdt 1

Greensboro, AL, Greensboro Muni, NDB or GPS RWY 36, Orig  
 Greenville, AL, Greenville Muni, NDB or GPS RWY 32, Amdt 4  
 Gulf Shores, AL, Jack Edwards, VOR or GPS-A, Amdt 1  
 Ozark, AL, Blackwell Field, VOR or GPS RWY 30, Amdt 6A  
 Pell City, AL, Saint Clair County, VOR or GPS-A, Amdt 7  
 Prattville, AL, Autauga County, VOR/DME or GPS-A, Amdt 1  
 Tuskegee, AL, Moton Field Municipal, VOR or GPS-A, Amdt 3  
 Vernon, AL, Lamar County, VOR/DME or GPS-A, Amdt 2  
 Wetumpka, AL, Wetumpka Muni, VOR or GPS-A, Amdt 1  
 Dothan, AL, Dothan, VOR-A or TACAN, Amdt 11A  
 Mountain View, AR, Mountain View Wilcox Memorial Field, NDB or GPS-A, Amdt 1  
 St. Johns, AZ, St Johns Industrial Air Park, VOR/DME or GPS-A, Amdt 1  
 Sedona, AZ, Sedona, NDB or GPS-A, Amdt 3  
 Window Rock, AZ, Window Rock, RNAV or GPS RWY 2, Amdt 1  
 Window Rock, AZ, Window Rock, VOR/DME or GPS-A, Orig  
 San Diego, CA, Brown Field Muni, VOR or GPS-A, Amdt 3  
 San Diego, CA, Montgomery Field, NDB or GPS RWY 28R, Amdt 1  
 San Diego, CA, San Diego Intl-Lindbergh Field, NDB or GPS RWY 9, Amdt 19B  
 San Diego, CA, San Diego Intl-Lindbergh Field, NDB or GPS RWY 27, Amdt 1  
 Santa Ana, CA, John Wayne Arpt-Orange County, NDB or GPS RWY 1L, Amdt 1  
 Watsonville, CA, Watsonville Muni, VOR/DME or GPS-A, Orig-A  
 Watsonville, CA, Watsonville Muni, NDB or GPS-B, Amdt 1A  
 Woodland, CA, Watts-Woodland, VOR or GPS-A, Amdt 4  
 Miami, FL, Dade-Collier Training And Transition, NDB or GPS RWY 9, Amdt 12  
 Orlando, FL, Executive, NDB or GPS RWY 7, Amdt 15  
 Plant City, FL, Plant City Muni, NDB or GPS RWY 9, Orig  
 Fort Leavenworth, KS, Sherman AAF, VOR or GPS-A, Amdt 3A  
 Fort Leavenworth, KS, Sherman AAF, NDB or GPS RWY 33, Amdt 3A  
 Goodland, KS, Renner Fld/Goodland Muni NDB or GPS RWY 30, Amdt 6A  
 Grand Isle, LA, Grand Isle Seaplane Base, VOR/DME or GPS-C, Amdt 7  
 Grand Isle, LA, Grand Isle Seaplane Base, VOR or GPS-A, Amdt 8  
 Grand Isle, LA, Grand Isle Seaplane Base, NDB or GPS-B, Amdt 9  
 Marshall, MN, Marshall Muni-Ryan Field, VOR/DME or GPS RWY 30, Amdt 1B  
 Springfield, MN, Springfield Muni, VOR/DME or GPS RWY 14, Amdt 2B  
 Osage Beach, MO, Grand Glaize-Osage Beach, VOR or GPS RWY 32, Amdt 4  
 Sedalia, MO, Sedalia Memorial, NDB or GPS RWY 18, Amdt 7B  
 Sullivan, MO, Sullivan Regional, NDB or GPS RWY 24, Orig  
 Lakewood, NJ, Lakewood, VOR or GPS RWY 6, Amdt 4

Washington Court House, OH, Fayette County, NDB or GPS RWY 22, Amdt 3  
 Prague, OK, Prague Muni, NDB or GPS RWY 17, Amdt 1  
 Tahlequah, OK, Tahlequah Muni, NDB or GPS RWY 17, Orig  
 Providence, RI, Theodore Francis Green State, VOR/DME or GPS RWY 23, Amdt 6  
 Bristol-Johnson-Kingsport, TN, Tri-City Regional, NDB or GPS RWY 5, Amdt 16  
 Bristol-Johnson-Kingsport, TN, Tri-City Regional, NDB or GPS RWY 23, Amdt 23  
 Knoxville, TN, McGhee Tyson, NDB or GPS RWY 5R, Amdt 4  
 Livingston, TN, Livingston Muni, VOR/DME or GPS RWY 21, Amdt 3  
 Taylor, TX, Taylor Muni, VOR/DME or GPS-A, Orig  
 Port Angeles, WA, Port Angeles CGAS, COPTER NDB or GPS 237, Orig-A

The following are corrected procedure titles adding “or GPS” published in Transmittal Letter 94-25 and 94-26.

Windfield/Arkansas City, KS, Strother Field, NDB or GPS RWY 35, Amdt 3A  
 Monett, MO, Monett Muni, VOR/DME or GPS-A, Orig Procedure Cancelled  
 Henryetta, OK, Henryetta Muni, NDB or GPS RWY 35, Amdt 2A  
 Portsmouth, OH, Greater Portsmouth Regional, NDB or GPS RWY 36, Amdt 3, Procedure Cancelled.

[FR Doc. 95-2824 Filed 2-3-95; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 97

[Docket No. 28063; Amdt. No. 1648]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIP is specified in the amendatory provisions. Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase*

- Individual SIAP copies may be obtained from:
1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
  2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription*

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviations Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic

depiction of 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 documents 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.

**The Rule**

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for 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 chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule 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 all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. 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 are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

**Conclusion**

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 “significant regulatory action” under Executive Order 12866; (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**

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC, on January 27, 1995.

**Thomas C. Accardi,**  
*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 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

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

**Authority:** 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

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 Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
01/24/95	ME	Mullinocket .....	Millinocket .....	5/0290	LOC RWY 29, ORIG...
01/24/95	ME	Presque Isle .....	Northern Main Regional Airport at Presque Isle.	5/0290	ILS, RWY 1, AMDT 4...

FDC date	State	City	Airport	FDC No.	SIAP
12/16/94	IL	Springfield .....	Capital .....	4/6984	RADAR-1 AMDT 7A...
12/23/94	NE	North Platte .....	North Platte Regional .....	4/7064	VOR OR GPS RWY 35, AMDT 17...

[FR Doc. 95-2815 Filed 2-3-95; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 230

[Release No. 33-7132; International Series Release No. 780; File No. S7-36-94]

RIN 3235-AG26

### Adoption of Amendments To Clarify Safe Harbors for Broker-Dealer Research Reports

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

**SUMMARY:** The Commission is announcing the adoption of amendments relating to the safe harbor provisions of Rules 138 and 139 under the Securities Act of 1933. The amendments clarify the availability of the safe harbor provisions of Rule 138 relating to broker-dealer research reports on individual domestic and foreign companies and the availability of the safe harbor provisions of Rule 139 for broker-dealer industry research reports which include sizable, first-time foreign registrants.

**EFFECTIVE DATE:** February 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Annemarie Tierney, (202) 942-2990, Office of International Corporate Finance, Division of Corporation Finance, U.S. Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** As described in detail below, the Commission is adopting amendments to Rule 138<sup>1</sup> and Rule 139<sup>2</sup> under the Securities Act of 1933 (the "Securities Act")<sup>3</sup>. The amendments adopted today were proposed by the Commission on December 13, 1994.<sup>4</sup>

<sup>1</sup> 17 CFR 230.138.

<sup>2</sup> 17 CFR 230.139.

<sup>3</sup> 15 U.S.C. 77a et seq.

<sup>4</sup> See Release No. 33-7120 (Dec. 13, 1994), 59 FR 31038. One comment letter, which expressed support for the proposal, was received. That letter is available for public inspection and copying in File Number S7-36-94 at the Commission's Public Reference Room in Washington, D.C.

### I. Availability of Research Report Safe Harbors

Rule 138 under the Securities Act permits publication of information, opinions and recommendations concerning qualifying issuers by broker-dealers that are participants in a distribution, so long as the reports contain information, opinions or recommendations regarding a specified class of the issuer's securities which is not the subject of the offering in which the broker-dealer is a participant. The amendments adopted today clarify that Rule 138 is available for offerings registered on Form S-3. The amendments also clarify that Form F-3 eligible issuers qualify for the rule, as do sizable first-time foreign issuers that meet the alternative offshore trading history test adopted for Rule 139.

In addition, in light of the fact that shelf registration statements often register both debt and equity securities (on an either allocated or unallocated basis), the Commission is amending Rule 138 to add an instruction codifying the staff interpretation that the rule should be applied on an offering-by-offering basis for issuers which are eligible to use Forms S-3 or F-3 and are using the Commission's shelf registration procedures. Thus, the filing of a shelf registration statement covering different classes of securities does not impede the availability of the rule.

Rule 139 under the Securities Act provides safe harbor protection from the registration requirements of that Act for the distribution by broker-dealers of information, opinions or recommendations concerning issuers in the process of registering securities under the Securities Act. The amendments adopted today make clear that the expanded eligibility requirements adopted last year<sup>5</sup> for sizable foreign issuers that satisfy the alternative offshore trading history test in Rule 139 are also available for those issuers' initial public offerings in the United States.

### II. Cost-Benefit Analysis

No information was provided in response to the Commission's request regarding the costs and benefits of the

<sup>5</sup> Release No. 33-7053 (Apr. 19, 1994), 59 FR 21644.

amendments being adopted today. The Commission believes that the adoption of these amendments will benefit both issuers and broker-dealers without imposing any additional costs.

### III. Statutory Bases

The Commission's rules are being amended pursuant to sections 6, 7, 8, 10 and 19(a) of the Securities Act of 1933, as amended.

### IV. Effective Date

The final amendments to the Commission's rules shall be effective immediately upon publication in the **Federal Register**, in accordance with the Administrative Procedure Act, which allows effectiveness in less than 30 days after publication for, *inter alia*, "a substantive rule which grants or recognizes an exemption or relieves a restriction." 5 U.S.C. § 553(d)(1).

### List of Subjects in 17 CFR Part 230

Reporting and recordkeeping requirements, Securities.

### Text of Proposed Amendments

In accordance with the foregoing, Title 17, chapter II of the Code of Federal Regulations is amended as follows:

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

1. The general authority citation for Part 230 continues to read in part as follows:

**Authority:** 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78l, 78m, 78n, 78o, 78w, 78ll(d), 79t, 80a-8, 80a-29, 80a-30, and 80a-37, unless otherwise noted.

\* \* \* \* \*

2. By revising § 230.138 to read as follows:

**§ 230.138** Definition of "offer for sale" and "offer to sell" in sections 2(10) and 5(c) in relation to certain publications.

(a) Where a registrant which meets the requirements of paragraph (c)(1), (c)(2) or (c)(3) of this section proposes to file, has filed or has an effective registration statement under the Act relating solely to a nonconvertible debt security or to a nonconvertible, nonparticipating preferred stock, publication or distribution in the regular course of its