

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 are 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 “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 March 24, 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:

#### §§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

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 May 25, 1995

Dunnellon, FL, Dunnellon, VOR/DME RWY 23, Orig

Tampa, FL, Tampa Intl, LOC BC RWY 36R, Amdt 19B, Cancelled

Hampton, GA, Clayton County-Tara Field, VOR/DME-A, Orig

Iowa City, IA, Iowa City Muni, GPS RWY 30, Orig

Oakley, KS, Oakley Muni, NDB OR GPS RWY 34, Amdt 2

Alexandria, LA, Alexandria Int'l, ILS/DME RWY 14, Amdt 1

Cambridge, NE, Cambridge Muni, NDB OR GPS RWY 14, Amdt 3

Cambridge, NE, Cambridge Muni, NDB OR GPS RWY 32, Amdt 3

McCook, NE, McCook Muni, VOR OR GPS RWY 12, Amdt 11

McCook, NE, McCook Muni, VOR OR GPS RWY 21, Amdt 4

McCook, NE, McCook Muni, VOR OR GPS RWY 30, Amdt 10

Buffalo, WY, Johnson County, VOR/DME OR GPS RWY 30, Amdt 5

**Note:** Iowa City, IA, Iowa City Muni, GPS RWY 30, Orig, EFF 27 APR 95, published in TL95-06, is rescinded.

**Note:** Oakley, KS, Oakley Muni, NDB OR GPS RWY 34, Amdt 2, EFF 27 APR 95, published in TL95-06, is rescinded.

\* \* \* Effective April 27, 1995

Connersville, IN, Mettel Field, VOR-A, Orig

Connersville, IN, Mettel Field, VOR/DME or GPS-A, Amdt 5, Cancelled

Connersville, IN, Mettel Field, NDB RWY 18, Amdt 9, Cancelled

Connersville, IN, Mettel Field, NDB RWY 18, Orig

Connersville, IN, Mettel Field, ILS RWY 18, Orig

Connersville, IN, Mettel Field, RNAV or GPS RWY 18, Amdt 5, Cancelled

Davenport, IA, Davenport Muni, ILS RWY 15, Orig

Davenport, IA, Davenport Muni, LOC RWY 15, Amdt 3, Cancelled

Fort Scott, KS, Fort Scott Muni, NDB OR GPS RWY 17, Amdt 11

\* \* \* Effective December 8, 1994

Steamboat Springs, CO, Steamboat Springs/ Bob Adams Field, VOR/DME-C, Amdt 1

\* \* \* Effective Upon Publication

Philadelphia, PA, Philadelphia Intl, ILS RWY 9L, Amdt 2

[FR Doc. 95-8364 Filed 4-4-95; 8:45 am]

**BILLING CODE 4910-13-M**

**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 SIAP 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; or

2. The FAA Regional Office of the region in which the 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

#### 14 CFR Part 97

[Docket No. 28163; Amdt. No. 1657]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

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

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 Aviation 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 changes 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 March 24, 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).

**§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended]**

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
03/08/95	NC .....	Hickory .....	Hickory Regional .....	FDC 5/1075	ILS Rwy 24 Amdt 6. This corrects Notam in TL 95-07.
03/09/95	MO .....	Perryville .....	Perryville Muni .....	FDC 5/1110	VOR/DME RNAV Rwy 19, Amdt 2.
03/13/95	NM .....	Santa Fe .....	Santa Fe County Muni .....	FDC 5/1152	ILS Rwy 2 Amdt 4.
03/20/95	AK .....	Nome .....	Nome .....	FDC 5/1230	NDB/DME OR GPS-1, Rwy 2, Orig B.

#### Name

*Name*

Alaska

NDB/DME OR GPS-1, RWY 2, ORIG B.

FDC Date: 03/20/95

FDC 5/1230/OME/ FI/P NOME, NOME, AK. NDB/DME OR GPS-1, RWY 2, ORIG B

. . . MNM ALT BAIME TO OYN NDB/DME 5400 FEET. GAIMS TO OYN NDB/DME 4000 FEET, OME VORTAC TO OYN NDB/DME 3200 FEET, FDV NDB TO OYN NDB/DME 3200 FEET, AND OYN NDB/DME TO OYN 212 BRG/5 DME 2900 FEET. THIS IS NDB/DME OR GPS-1, RWY 2, ORIG C.

#### Perryville

*Perryville Muni*

Missouri

VOR/DME RNAV RWY 19, AMDT 2.

FDC Date: 03/09/95

FDC 5/1110/K02/ FI/P PERRYVILLE MUNI, PERRYVILLE, MO. VOR/DME RNAV RWY 19, AMDT 2 . . . CHANGE ALL

REFERENCE TO RWY 01/19 TO RWY 02/20.  
THIS BECOMES VOR/DME RNAV RWY 20,  
AMDT 2A.

#### Hickory

*Hickory Regional*

North Carolina

ILS RWY 24 AMDT 6.

FDC Date: 03/08/95

THIS CORRECTS NOTAM IN TL 95-07.

FDC 5/1075/HKY/ FI/P HICKORY REGIONAL, HICKORY, NC, ILS RWY 24 AMDT 6 . . . ADD NOTE . . . OBTAIN LCL ALSTG ON CTAF; WHEN NOT RECEIVED, USE WILKES COUNTY ALSTG AND INCREASE ALL DH/MDAS 300 FEET AND ALL VIS 1 MILE. THIS BECOMES ILS RWY 24 AMDT 6A.

#### Santa Fe

*Santa Fe County Muni*

New Mexico

ILS RWY 2 AMDT 4.

FDC Date: 03/13/95

FDC 5/1152/SAF/ FI/P SANTA FE COUNTY MUNI, SANTA FE, NM. ILS RWY 2 AMDT 4 . . . CHG NOTE TO READ . . . ADF REQUIRED.

[FR Doc. 95-8363 Filed 4-4-95; 8:45 am]

BILLING CODE 4910-13-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 200

[Release No. 34-35548]

#### Establishment of Commission Quorum Requirement

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission ("Commission") is amending its rules to specify the number of Commission members that constitute a quorum. The amendments are designed to promote flexibility, finality, and collegiality of agency decisionmaking.

**EFFECTIVE DATE:** May 5, 1995.

**FOR FURTHER INFORMATION CONTACT:** Walter B. Stahr, Assistant General Counsel, or C. Hunter Jones, Special Counsel, Office of the General Counsel, at (202) 942-0888.

**SUPPLEMENTARY INFORMATION:** The Commission is modifying 17 CFR 200.40-200.42 to provide that three members constitute a quorum of the Commission, with two important exceptions. First, if the number of members in office is two or one, that number is sufficient for a quorum. Second, if the number of members in office minus the number disqualified

with respect to a matter is two, two constitute a quorum for purposes of that matter.

The Securities Exchange Act of 1934 ("Exchange Act"), unlike many statutes that establish federal agencies, does not establish a quorum requirement for the Commission. In the past, the practice of the Commission has generally been that three members constitute a quorum. See *In re International Paper & Power Co.*, 2 SEC 792, 793 n.1 (1937), *rev'd on other grounds sub nom. Lawless v. SEC*, 105 F.2d 574 (1st Cir. 1939). This practice, however, has never been formally adopted as a policy or rule.

The Commission, which currently has only three members, has reconsidered its quorum practice. It has decided to adopt a general rule, with the exceptions discussed below, that three commissioners are required for a quorum. Although this rule may create difficulties when only three commissioners are in office, these difficulties are outweighed by the benefits of having all three commissioners deliberate and vote on matters.

Situations arise, however, in which only two members are able to participate in a matter. When three members are in office, for example, one member may recuse himself or herself from considering a matter. See 17 CFR 200.60. Similarly, it is possible that, at some point, there would be only two commissioners in office. In the past, the Commission has resorted to the duty officer procedure to deal with urgent matters as to which only two commissioners are available. See 17 CFR 200.42. The duty officer procedure, however, because it is a form of delegation, is not available for rulemaking. See Exchange Act Section 4A(a). Moreover, although a duty officer's action is Commission action unless and until the Commission directs otherwise, see 17 CFR 200.42(c)(3), the Commission cannot affirm the duty officer's action when only one other Commission member is available to consider the matter. Finally, and perhaps most importantly, it is more consistent with the collegial nature of the Commission to allow the two qualified members to address such matters as a Commission.

The Commission also believes that it would be appropriate to preserve the flexibility necessary to take effective action in the event, however unlikely, that there would be a period with only one commissioner in office. To provide adequate flexibility in this unlikely situation, the Commission is providing that one commissioner would constitute a quorum if no other commissioners are

in office. The Commission does not believe it is necessary, at this time, to provide that one commissioner may constitute a quorum when disqualifications result in only one commissioner being available to deal with a particular matter.

Accordingly, the Commission is adopting a new rule, at 17 CFR 200.41, providing that three members constitute a quorum unless only two members or one member are in office, or unless, because of disqualifications, only two members are available to deal with a particular matter. The Commission is also amending 17 CFR 200.40 to clarify that it applies only to meetings that are subject to the Government in the Sunshine Act.

The Commission has determined that these amendments and additions to its procedural rules relate solely to the agency's organization, procedure or practice. Therefore, the provisions of the Administrative Procedure Act ("APA") regarding notice and comment are not applicable. See 5 U.S.C. 553. Similarly, the provisions of the Regulatory Flexibility Act, which apply only when notice and comment are required by the APA or other laws, are not applicable. See 5 U.S.C. 601-612.

#### Effects on Competition

Section 23(a)(2) of the Exchange Act requires the Commission, in adopting rules under the Exchange Act, to consider the anti-competitive effects of such rules, if any, and to balance any impact against the regulatory benefits gained in furthering the purposes of the Exchange Act. See 15 U.S.C. 78w(a)(2). The Commission has considered the changes adopted in this release in light of the standards cited in section 23(a)(2) and believes that their adoption would not impose any burden on competition not necessary or appropriate in furtherance of the Exchange Act.

#### Statutory Basis of Rule

The amendments to the Commission's rules are adopted pursuant to the authorities set forth therein.

#### List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

#### Text of Amendments

For the reasons set out in the preamble, title 17, chapter II, part 200 of the Code of Federal Regulations is amended as follows: