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 12291; (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

Standard instrument approaches, Incorporation by reference.

Issued in Washington, DC on October 3, 1986.

John S. Kern,

Director of Flight Standards.

Adoption of the Amendment

PART 97—[AMENDED]

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:

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 January 15, 1987

Montague, CA—Siskiyou County, NDB-A, Amdt. 6

Effective December 18, 1986

Santa Rosa, CA—Sonoma County, VOR RWY 32, Amdt. 18
Santa Rosa, CA—Sonoma County, ILS RWY 32, Amdt. 14
Roseau, MN—Roseau Muni, VOR -A, Amdt. 5
Roseau, MN—Roseau Muni, VOR RWY 16, Amdt. 4
Warroad, MN—Warroad Intl-Swede Carlson Field, RNAV RWY 31, Amdt. 1
Billings, MT—Billings Logan INTL, LOC BC RWY 27R, Amdt. 7, Cancelled
Lovelock, NV—Derby Field, VOR/DME RWY 1, Amdt. 1, Cancelled
Plattsburgh, NY—Clinton Co, VOR-A, Amdt. 16, Cancelled
Plattsburgh, NY—Clinton Co, VOR RWY 19, Orig
Plattsburgh, NY—Clinton Co, ILS RWY 1, Amdt. 1
Potsdam, NY—Potsdam Muni/Damon FLD—VOR/DME RWY 24, Amdt. 4
Potsdam, NY—Potsdam Muni/Damon FLD, NDB RWY 24, Amdt. 3
Saranac Lake NY—Adirondack, NDB RWY 23, Amdt. 5
Saranac Lake, NY—Adirondack, ILS RWY 23, Amdt. 7
Albemarle, NC—Stanly County, NDB RWY 4, Amdt. 2
Burlington, VT—Burlington Intl, VOR RWY 1, Amdt. 10
Burlington, VT—Burlington Intl, NDB RWY 15, Amdt. 17
Burlington, VT—Burlington Intl, ILS RWY 15, Amdt. 20
Highgate, VT—Franklin County State, VOR-A, Amdt. 2, Cancelled
Highgate, VT—Franklin County State, VOR-B, Orig
Moen Island, TT—Truk Intl, NDB-A, Amdt. 1
Moen Island, TT—Truk Intl, NDB-B, Amdt. 3
Moen Island, TT—Truk Intl, NDB/DME RWY 4, Amdt. 1
Moen Island, TT—Truk Intl, NDB/DME RWY 22, Amdt. 1

Effective November 20, 1986

Mobile, AL—Bates Field, VOR OR TACAN RWY 9, Amdt. 23
Mobile, AL—Bates Field, NDB RWY 14, Amdt. 1
Mobile, AL—Bates Field, ILS RWY 14, Amdt. 28
Mobile, AL—Bates Field, ILS RWY 32, Amdt. 5
Bakersfield, CA—Meadows Field, VOR RWY 12L, Amdt. 4
Bakersfield, CA—Meadows Field, LOC BC RWY 12L, Amdt. 8
Bakersfield, CA—Meadows Field, NDB RWY 30R, Amdt. 4
Bakersfield, CA—Meadows Field, ILS RWY 30R, Amdt. 24
Modesto, CA—Modesto City County Arpt—Harry Sham Fld., NDB RWY 28R, Amdt. 7
Modesto, CA—Modesto City County ARPT—Harry Sham Fld, ILS RWY 28R, Amdt. 11
Fort Lauderdale, FL—Ft Lauderdale-Hollywood Intl, ILS RWY 27R, Amdt. 2
Atlanta, GA—The William B. Hartsfield Atlanta Intl, NDB RWY 8R, Amdt. 44, Cancelled
Atlanta, GA—The William B. Hartsfield Atlanta Intl, NDB RWY 9L, Amdt. 8, Cancelled
Atlanta, GA—The William B. Hartsfield Atlanta Intl, NDB RWY 26L, Amdt. 15, Cancelled
Atlanta, GA—The William B. Hartsfield Atlanta Intl, NDB RWY 27R, Amdt. 5, Cancelled
Atlanta, GA—The William B. Hartsfield Atlanta Intl, RADAR-1, Amdt. 30
Moultrie, GA—Moultrie Muni, RNAV RWY 22, Amdt. 1, Cancelled
Winder, GA—Winder, VOR/DME-A, Amdt. 9
Winder, GA—Winder, LOC RWY 31, Amdt. 8
Coeur d'Alene, ID—Coeur d'Alene Air Term, ILS RWY 5, Amdt. 2
Owensboro, KY—Owensboro-Daviess County, VOR RWY 5, Amdt. 9, CANCELLED
Owensboro, KY—Owensboro-Daviess County, VOR RWY 17, Amdt. 5
Owensboro, KY—Owensboro-Daviess County, VOR RWY 35, Amdt. 13
Owensboro, KY—Owensboro-Daviess County, NDB RWY 35, Amdt. 5
Owensboro, KY—Owensboro-Daviess County, ILS RWY 35, Amdt. 7
Hagerstown, MD—Washington County Regional, ILS RWY 27, Amdt. 5
Beverly, MA—Beverly Muni, VOR RWY 16, Amdt. 2
Beverly, MA—Beverly Muni, LOC RWY 16, Amdt. 3
Beverly, MA—Beverly Muni, NDB-A, Amdt. 10
Lansing, MI—Capital City, VOR RWY 6, Amdt. 21
Lansing, MI—Capital City, VOR RWY 24, Amdt. 6
Lansing, MI—Capital City, NDB RWY 28L, Amdt. 22
Lansing, MI—Capital City, ILS RWY 10R, Amdt. 7
Lansing, MI—Capital City, ILS RWY 28L, Amdt. 23
Gothenburg, NE—Quinn Field, VOR-A, Orig
Gothenburg, NE—Quinn Field, NDB RWY 32, Orig
Millville, NJ—Millville Muni, LOC RWY 10, Amdt. 3, Cancelled
Millville, NJ—Millville Muni, ILS RWY 10, Orig
Erwin, NC—Harnett County, NDB RWY 22, Orig
Smithfield, NC—Johnston County, NDB RWY 21, Amdt. 4
Johnstown, PA—Johnstown-Cambria County, VOR RWY 5, Amdt. 5
Johnstown, PA—Johnstown-Cambria County, VOR RWY 15, Amdt. 8
Johnstown, PA—Johnstown-Cambria County, VOR/DME RWY 15, Amdt. 4
Johnstown, PA—Johnstown-Cambria County, VOR RWY 23, Amdt. 6
Johnstown, PA—Johnstown-Cambria County, VOR/DME RWY 23, Orig
Johnstown, PA—Johnstown-Cambria County, ILS RWY 33, Amdt. 2

Effective October 23, 1986

Nashville, TN—Nashville Metropolitan, ILS RWY 31, Amdt. 5

Effective September 26, 1986

Kokomo, IN—Kokomo Muni, ILS RWY 23, Amdt. 4

Effective September 18, 1986

Santa Maria, CA—Santa Maria Public, LOC/DME BC-A, Amdt. 10

Note.—Remove and destroy the following proposed procedure in TL 85-13.

Petersburg, WV, Grant County, NDB-A Orig.

[FR Doc 86-23283 Filed 10-15-86; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Exemptions From Restrictions on ex Parte Communications in Adjudicative Proceedings

AGENCY: Federal Trade Commission.

ACTION: Interim rule with request for comments.

SUMMARY: The Federal Trade Commission is revising Rule 4.7(f) of its Rules of Practice, which governs exemptions to the prohibitions of Rule 4.7(b) against *ex parte* communications in adjudicative proceedings. The rule is revised (1) by deleting the requirement for disclosure of statements from an exempt communication that relate to facts in issue in a pending adjudicative proceeding, (2) by deleting the requirement for placement on the public record of a description of any trade secrets or other confidential information excised from such statements, (3) by expanding the exemptions of the rule to include communications between the Commission and persons outside the Commission that are occasioned by and concern a nonadjudicative function, and (4) by clarifying two of the rule's specified exemptions.

DATES: The interim rule is effective on October 16, 1986. The Commission will, however, accept comments on the revised rule that are received on or before November 17, 1986 and may re-evaluate the rule in light of those comments.

ADDRESS: Comments should be submitted to Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Jerome A. Tintle, Office of General Counsel, Federal Trade Commission, Washington, DC 20580, (202) 523–3521.

SUPPLEMENTARY INFORMATION: Current Rule 4.7(f) expressly exempts from the prohibitions of Rule 4.7(b) a communication between the Commission and its enforcement staff that is occasioned by and concerns a nonadjudicative matter before the Commission even though the matter may involve parties or issues that are also involved in a pending adjudicative proceeding. Rule 4.7(f) also includes a two sentence proviso, which states that "to the extent such communication relates to a fact in issue in a proceeding in adjudicative status, such portions will be placed in the docket binder of the proceeding to which it pertains except for trade secrets or other confidential commercial or financial information," and that "[a] brief statement describing the general subject matter of an *ex parte* communication of trade secrets or other commercial or financial information will be placed in the docket binder." This proviso was included not because it was required by law but simply to avoid "any appearance of unfairness." 42 FR 33042 (June 29, 1977). After nearly a decade of experience with the proviso, however, we have concluded that the burdens it creates far outweigh whatever appearances of unfairness it may allay.

In particular, we find that the proviso has imposed unnecessary burdens upon the staff in determining whether any given statement in an exempt communication "relate[s] to a fact in issue" in an adjudicative proceeding within the meaning of that phrase. The requirement has also had a chilling effect upon full and candid consultations between the Commission and its enforcement staff with respect to nonadjudicative matters. Section 554(d) of the Administrative Procedure Act ("APA") does not restrict such consultations even when they may involve parties or factual issues that are also involved in an ongoing Commission adjudicative proceeding. *Maremont Corp.* v. *FTC*, 431 F.2d 124, 128 (7th Cir. 1970); *Environmental Defense Fund, Inc.* v. *EPA*, 510 F.2d 1292, 1304–06 (D.C. Cir. 1975); *Environmental Defense Fund, Inc.* v. *EPA*, 548 F.2d 998, 1006 n.20 (D.C. Cir. 1976, *cert. denied*, 431 U.S. 925 (1977); *see also*, Asimow, *When the Curtain Falls: Separation of Functions in the Federal Administrative Agencies*, 81 Col. L. Rev. 759, 768 (1981). Accordingly, we have determined to delete the proviso from the rule.

We have also observed that outside persons involved in a nonadjudicative matter before the Commission seem reluctant to communicate fully and candidly with us about factual issues relevant to the matter when the same or similar issues may also be present in a pending Commission adjudicative proceeding. Their reluctance appears to stem from a concern that section 557(d) of the APA and Rule 4.7 may prohibit their communicating with us about such overlapping issues and may require disclosure or any such prohibited communication, once made.[1] If this is their concern, we do not believe that it is justified.

Section 557(d) of the APA by its terms applies only to adjudications and other formal proceedings required by statute to be determined on the record after opportunity for an agency hearing, and not to nonadjudicative matters. In particular, section 557(d) does not prohibit "any communication with an agency decisionmaking official if not involving a formal adjudicatory proceeding," H.R. Rep. No. 1441, 94th Cong., 2d Sess. 29 (1976), S. Rep. No. 1178, 94th Cong., 2d Sess. 29 (1976), or any communication that "does not directly discuss the merits of a pending adjudication." S. Rep. No. 354, 94th Cong., 1st Sess. 37 (1975); *see also* H.R. Rep. No. 880, Part I, 94th Cong., 2d Sess. 20 (1976); H.R. Rep. No. 880, Part II, 94th Cong., 2d Sess. 20 (1976). Hence, we do not believe that section 557(d) should be construed to prohibit private communications about a nonadjudicative matter between the Commission and persons outside the Commission who are involved in the matter even when such communications address factual or legal issues that may also be present in a pending Commission adjudicative proceeding. Nor do we believe that Rule 4.7(b) should be interpreted to impose any greater restrictions than are imposed by section 557(d).

Accordingly, we have revised Rule 4.7(f) to make clear that the rule's exemptions apply not only to communications between the Commission and its enforcement staff but also to those between the Commission and persons outside the Commission who are involved in a nonadjudicative matter.[2] With these revisions, the enforcement staff and outside persons should feel free to communicate fully and candidly with the Commission about any nonadjudicative matter in which they are involved.

It is conceivable, however, that a nonadjudicative matter could be so directly related to a pending adjudicative proceeding because of a mutuality of parties and facts that the Commission could conclude that the interests of justice would better be served by disclosure of a communication on the nonadjudicative

[1] Section 557(d) of the APA prohibits *ex parte* communications between an "interested person" outside an agency and an agency decisionmaker that are "relevant to the merits of [an adjudicative] proceeding." 5 U.S.C. 557(d)(1)(A) and (B). It further requires the agency decisionmaker to place any prohibited communication "on the public record of the proceeding." 5 U.S.C. 557(d)(1)(C). Rule 4.7(b) adopts the same prohibition as section 557(d) but extends its coverage to all persons outside the Commission, not just "interested persons"; Rule 4.7(c) implements section 557(d) by requiring public record disclosure of any *ex parte* communication prohibited by Rule 4.7(b).

[2] Ex parte communications between the Commission and its enforcement staff or persons outside the Commission that directly discuss the merits of a pending adjudicative proceeding will, of course, continue to be prohibited by Rule 4.7(b).

matter. A provision has therefore been added to Rule 4.7(f) which provides for disclosure of such a communication at the Commission's discretion and under such restrictions as it may deem appropriate. Any disclosures will, of course, be subject to statutory or other legal restrictions governing confidential commercial or other information.

In addition, the exemption of current Rule 4.7(f)(1) can be read to exclude from the prohibitions of Rule 4.7(b) a communication occasioned by and concerning the "conduct or disposition" of an "adjudicative proceeding." This reading of the exemption conflicts with sections 554(d) and 557(d) of the APA. Accordingly, the exemption has been reworded so as to make clear that it applies only to communications involving a nonadjudicative matter, such as the initiation, conduct, or disposition of an investigation, the issuance of a complaint, or the initiation of a rulemaking or other proceeding.

Finally, the exemption of current Rule 4.7(f)(4) can be read to apply to the disposition of a consent settlement under Rule 3.25 only when the settlement is "executed by some but not all respondents." The exemption is, in fact, meant to cover any Rule 3.25 consent settlement, whether it involves some or all of the respondents or some or all of the charges set forth in a complaint. The rule is revised to reflect that intention.

List of Subjects in 16 CFR Part 4

Administrative practice and procedure.

PART 4—[AMENDED]

In consideration of the foregoing, 16 CFR Part 4 is amended as follows:

1. The authority for Part 4 continues to read as follows:

Authority: Sec. 6(g), 38 Stat. 721 (15 U.S.C. 46); 80 Stat. 383, as amended (5 U.S.C. 552).

2. Section 4.7(f) is revised to read as follows:

§ 4.7 Ex parte communications.

* * * * *

(f) The prohibitions of paragraph (b) of this section do not apply to a communication occasioned by and concerning a nonadjudicative function of the Commission, including such functions as the initiation, conduct, or disposition of a separate investigation, the issuance of a complaint, or the initiation of a rulemaking or other proceeding, whether or not it involves a party already in an adjudicative proceeding; a proceeding outside the scope of § 3.2, including a matter in state or federal court or before another governmental agency; a nonadjudicative function of the Commission, including but not limited to an obligation under § 4.11 or a communication with Congress; or the disposition of a consent settlement under § 3.25 concerning some or all of the charges involved in a complaint and executed by some or all respondents. The Commission, at its discretion and under such restrictions as it may deem appropriate, may disclose to the public or to respondent(s) in a pending adjudicative proceeding a communication made exempt by this paragraph from the prohibitions of paragraph (b) of this section, however, when the Commission determines that the interests of justice would be served by the disclosure. The prohibitions of paragraph (b) of this section also do not apply to a communication between any member of the Commission, the Administrative Law Judge, or any other employee who is or who reasonably may be expected to be involved in the decisional process, and any employee who has been directed by the Commission or requested by an individual Commissioner or Administrative Law Judge to assist in the decision of the adjudicative proceeding. Such employee shall not, however, have performed an investigative or prosecuting function in that or a factually related proceeding.

By direction of the Commission, dated October 7, 1986.

Emily H. Rock,

Secretary.

[FR Doc. 86-23332 Filed 10-15-86; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-3197]

Independent Insurance Agents of America, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, prohibits a New York City-based insurance agent association from encouraging its members to refuse to deal with companies based on the companies' sales policies.

DATE: Complaint and Order issued August 25, 1986.[1]

FOR FURTHER INFORMATION CONTACT: FTC/L-501, James C. Egan, Jr., Washington, DC 20580 (202) 254-6024.

SUPPLEMENTARY INFORMATION: On Monday, June 9, 1986, there was published in the **Federal Register**, 51 FR 20835, a proposed consent agreement with analysis In the Matter of Independent Insurance Agents of America, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Aiding, Assisting and Abetting Unfair or Unlawful Act or Practice: § 13.290 Aiding, assisting and abetting unfair act or practice. Subpart—Coercing and Intimidating: § 13.367 Members. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; S 13.405 To discriminate unfairly or restrictively in general

List of Subjects in 16 CFR Part 13

Insurance agents, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc 86-23348 Filed 10-15-86; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. 9174]

Warner Communications, Inc., et al. and Polygram Records, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent orders.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th St. and Pa. Ave., NW., Washington, DC 20580.