

7400.9K, dated August 30, 2002 and effective September 16, 2002. The Class D airspace designation listed in this document will be published in the order.

**The Rule**

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) extends Class D airspace from the surface of the earth to and including 3,400 feet MSL for aircraft conducting IFR operations at Tri-State/Milton J. Ferguson Field Airport, Huntington, WV. The previous Class D airspace ceiling was 3,300 feet.

The FAA has determined that this regulations only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have 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 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR 1959–1963 Comp., p. 389.

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

*Paragraph 5000 Class D airspace areas extending upward from the surface of the earth.*

\* \* \* \* \*

**AEA WV D Huntington, WV [REVISED]**  
Tri-State/Milton J. Ferguson Field Airport,  
Huntington, WV

(Lat. 38°22'00" N., long. 82°33'29" W.)  
That airspace extending upward from the surface to and including 3,400 feet MSL, within a 4-mile radius of Tri-State/Milton J. Ferguson Field Airport.

\* \* \* \* \*

Issued in Jamaica, New York on October 8, 2002.

**John G. McCartney,**  
*Acting Assistant Manager, Air Traffic Division, Eastern Region.*  
[FR Doc. 02–27036 Filed 10–22–02; 8:45 am]  
**BILLING CODE 4910–13–M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 95**

[Docket No. 30336; Amdt. No. 438]

**IFR Altitudes; Miscellaneous Amendments**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**EFFECTIVE DATE:** 0901 UTC, November 28, 2002.

**FOR FURTHER INFORMATION CONTACT:** Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

**The Rule**

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment 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 95**

Airspace, Navigation (air).  
Issued in Washington, DC, on October 18, 2002.

**James J. Ballough,**  
*Director, Flight Standards Service.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows, effective at 0901 UTC.

**PART 95—[AMENDED]**

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

2. Part 95 is amended to read as follows:

1. The authority citation for part 95 continues to read as follows:

**REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS**

[Amendment 438, Effective Date: November 28, 2002]

From	To	MEA
<b>§ 95.6001 Victor Routes—U.S.</b>		
<b>§ 95.6067 VOR Federal Airway 67 Is Amended to Read in Part</b>		
Cedar Rapids, IA VOR/DME .....	Waterloo, IA VORTAC .....	2,900
Waterloo, IA VORTAC .....	Foyde, IA FIX .....	3,000
<b>§ 95.6222 VOR Federal Airway 222 Is Amended to Read in Part</b>		
Junction, TX VORTAC .....	Stonewall, TX VORTAC .....	4,000
<b>§ 95.6222 VOR Federal Airway 556 Is Amended to Read in Part</b>		
Junction, TX VORTAC .....	Stonewall, TX VORTAC .....	4,000

[FR Doc. 02-27037 Filed 10-22-02; 8:45 am]  
BILLING CODE 4910-13-M

**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 200**

[Release No. 34-46667]

**Delegation of Authority to the Director of the Division of Market Regulation**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (“Commission”) is amending its rules to delegate authority to the Director of the Division of Market Regulation (“Director”) to publish acknowledgments of receipt of notices filed with the Commission pursuant to Section 6(g) of the Securities Exchange Act of 1934 (“Exchange Act”) by exchanges registering as national securities exchanges to trade security futures products. This delegation of authority will facilitate the timely publication of such acknowledgments, which is required by Section 6(g)(3) of the Exchange Act.

**EFFECTIVE DATE:** October 23, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Colihan, Special Counsel, at (202) 942-0735 or Mia Zur, Law Clerk, at (202) 942-7309, Office of Market Supervision, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-1001.

**SUPPLEMENTARY INFORMATION:** The Commission is adopting an amendment to Rule 30-3 of its Rules of Organization

and Program Management governing Delegations of Authority to the Director.<sup>1</sup> The Commission is adding paragraph (a)(77) to Rule 30-3 to authorize the Director to publish acknowledgments of receipt of notices of registration submitted pursuant to Section 6(g) of the Exchange Act.<sup>2</sup>

Section 6(g) of the Exchange Act provides that an exchange may register as a national securities exchange solely for the purposes of trading security futures products by filing a written notice with the Commission if the exchange is designated as a contract market by the Commodity Futures Trading Commission or is registered as a derivative transaction execution facility under Section 5a of the Commodity Exchange Act. Rule 6a-4 under the Exchange Act provides that an exchange wishing to become registered under Section 6(g) must provide written notice on Form 1-N. Pursuant to Section 6(g)(2)(B) of the Exchange Act, such registrations are effective contemporaneously with the submission of the written notice.<sup>3</sup> Section 6(g)(3) of the Exchange Act directs the Commission to promptly publish acknowledgments of receipt of all such notices in the **Federal Register**. This delegation of authority to the Director is intended to conserve Commission resources by permitting the Division of Market Regulation to publish acknowledgments of receipt of Form 1-N. Nevertheless, the staff may submit matters to the Commission for consideration as it deems appropriate.

<sup>1</sup> 17 CFR 200.30-3.

<sup>2</sup> 15 U.S.C. 78f(g).

<sup>3</sup> 15 U.S.C. 78f(g)(2)(B).

The Commission finds, in accordance with Section 553(b)(3)(A) of the Administrative Procedures Act,<sup>4</sup> that these amendments relate solely to agency organization, procedure, or practice, and do not relate to a substantive rule. Accordingly, notice, opportunity for public comment, and publication of the amendment prior to its effective date are unnecessary.

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

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

**Text of Amendment**

In accordance with the preamble, the Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations as follows:

**PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS**

**Subpart A—Organization and Program Management**

1. The authority citation for Part 200, subpart A, continues to read, in part, as follows:

**Authority:** 15 U.S.C. 77s, 78d-1, 78d-2, 78w, 78ll(d), 78mm, 79t, 77sss, 80a-37, 80b-11, unless otherwise noted.

\* \* \* \* \*

2. Section 200.30-3 is amended by adding paragraph (a)(77) to read as follows:

**§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.**

\* \* \* \* \*

<sup>4</sup> 5 U.S.C. 553(b)(3)(A).