

**T-227 SYA to SCC [Corrected]**

SYA .....	VORTAC .....	(Lat. 52°43'06" N., long. 174°03'44" E.)
JANNT .....	WP .....	(Lat. 52°04'18" N., long. 178°15'37" W.)
BAERE .....	WP .....	(Lat. 52°12'12" N., long. 176°08'09" W.)
ALEUT .....	Fix .....	(Lat. 54°14'17" N., long. 166°32'52" W.)
MORDI .....	Fix .....	(Lat. 54°52'50" N., long. 165°03'15" W.)
GENFU .....	Fix .....	(Lat. 55°23'18" N., long. 163°06'21" W.)
BINAL .....	Fix .....	(Lat. 55°46'00" N., long. 161°59'56" W.)
PDN .....	NDB/DME .....	(Lat. 56°57'15" N., long. 158°38'51" W.)
AMOTT .....	Fix .....	(Lat. 60°53'56" N., long. 151°21'46" W.)
ANC .....	VOR/DME .....	(Lat. 61°09'03" N., long. 150°12'24" W.)
FAI .....	VORTAC .....	(Lat. 64°48'00" N., long. 148°00'43" W.)
SCC .....	VOR/DME .....	(Lat. 70°11'57" N., long. 148°24'58" W.)

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**T-228 EHM to ROCES [Corrected]**

EHM .....	VOR/DME .....	(Lat. 62°47'05" N., long. 164°29'15" W.)
RUFVY .....	WP .....	(Lat. 59°56'34" N., long. 164°02'04" W.)
HPB .....	VOR/DME .....	(Lat. 61°30'52" N., long. 166°08'04" W.)
OME .....	VOR/DME .....	(Lat. 64°29'06" N., long. 165°15'11" W.)
HIKAX .....	WP .....	(Lat. 65°36'20" N., long. 165°44'44" W.)
SHH .....	NDB .....	(Lat. 66°15'29" N., long. 166°03'09" W.)
ECIPI .....	Fix .....	(Lat. 67°55'48" N., long. 165°29'58" W.)
BRW .....	VOR/DME .....	(Lat. 71°16'24" N., long. 156°47'17" W.)
SCC .....	VOR/DME .....	(Lat. 70°11'57" N., long. 148°24'58" W.)
ROCES .....	WP .....	(Lat. 70°08'34" N., long. 144°08'16" W.)

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**Q-48 BRW to ROCES [Corrected]**

BRW .....	VOR/DME .....	(Lat. 71°16'24" N., long. 156°47'17" W.)
SCC .....	VOR/DME .....	(Lat. 70°11'57" N., long. 148°24'58" W.)
ROCES .....	WP .....	(Lat. 70°08'34" N., long. 144°08'16" W.)

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Issued in Washington, DC, on August 3, 2009.

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

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**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2009-0229; Airspace Docket No. 09-ASO-13]

**Revocation of VOR Federal Airway V-329; Alabama-Florida**

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

**ACTION:** Final rule.

**SUMMARY:** This action removes very high frequency omnidirectional range (VOR) Federal airway V-329, which extends between Montgomery, AL and the vicinity of Crestview, FL. The route is being removed at the request of the U.S. Army because the Andalusia, AL, VOR, which forms a segment of the airway, is being decommissioned due to unreliability and coverage limitations. This action will not adversely impact National Airspace System (NAS) Operations.

**DATES:** *Effective Date:* 0901 UTC, October 22, 2009. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**History**

On April 6, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to revoke VOR Federal airway V-329 (74 FR 15403). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. One comment was received. The Aircraft Owners and Pilots Association recommended that the FAA consider establishing a T-route (i.e., a low-altitude area navigation route) along the same route as V-329. The FAA supports this recommendation and will consider establishing a T-route as part of the national effort to expand area navigation capabilities.

With the exception of editorial changes, this amendment is the same as that proposed in the NPRM.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revoking VOR Federal airway V-329. The FAA is taking this action because the Andalusia VOR, which is owned and operated by the U.S. Army, is being decommissioned due to recurring outages, maintenance issues, and coverage limitations. Decommissioning of the Andalusia VOR renders V-329 unusable. As an alternative, V-115, which lies to the west of the V-329, extends between the Crestview, FL, and the Montgomery, AL, VORTAC.

VOR Federal airways are published in paragraph 6010 of FAA Order 7400.9S signed October 3, 2008 and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airway listed in this document will be subsequently deleted from the Order.

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. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends a portion of the en route structure to enhance the safe and efficient use of the NAS in the Southeast United States.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a and 311b. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### 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 part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows:

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

#### **§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9S, Airspace Designations and Reporting

Points, dated October 3, 2008 and effective October 31, 2008, is amended as follows:

*Paragraph 6010 Domestic VOR Federal airways*

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**V-329 [Removed]**

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Issued in Washington, DC, on July 31, 2009.

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

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## **SECURITIES AND EXCHANGE COMMISSION**

### **17 CFR Part 200**

**[Release No. 34-60448]**

#### **Delegation of Authority to Director of Division of Enforcement**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its rules to delegate authority to the Director of the Division of Enforcement to issue formal orders of investigation. These orders designate the enforcement staff authorized to issue subpoenas in connection with investigations under the federal securities laws. This action is intended to expedite the investigative process by removing the need for enforcement staff to seek Commission approval prior to performing routine functions. The Commission is adopting this delegation for a one-year period, and at the end of the period will evaluate whether to extend the delegation (though any formal orders issued during this period will remain in effect).

**DATES:** *Effective Date:* August 11, 2009.

**FOR FURTHER INFORMATION CONTACT:** Kenneth H. Hall, 202-551-4936, Office of Chief Counsel, Division of Enforcement, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-6553.

**SUPPLEMENTARY INFORMATION:** The Commission is authorized to conduct investigations of possible violations of the federal securities laws, which provide that "any member of the Commission or any officer designated by it is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence,

memoranda, or other records which the Commission deems relevant or material to the inquiry." Section 21(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(b). *See also*, Section 19(c) of the Securities Act of 1933, 15 U.S.C. 77s(c); Section 42(b) of the Investment Company Act of 1940, 15 U.S.C. 80a-41(b); and Section 209(b) of the Investment Advisers Act of 1940, 15 U.S.C. 80b-9(b). The Commission issues formal orders of investigation that authorize specifically designated enforcement staff to exercise the Commission's statutory power to subpoena witnesses and take the other actions authorized by the relevant cited provisions. The Commission is delegating the authority to issue formal orders of investigation to the Director of the Division of Enforcement. This delegation will expedite the investigative process by reducing the time and paperwork previously associated with obtaining Commission authorization prior to issuing subpoenas.

In any case the Division Director deems appropriate, the recommendation that a formal order be issued may be submitted to the Commission for review.

#### **Administrative Law Matters**

The Commission finds, in accordance with the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(A)), that this amendment relates solely to agency organization, procedure, or practice. Accordingly, the provisions of the APA regarding notice of the proposed rulemaking and opportunities for public participation, 5 U.S.C. 553, are not applicable. For the same reason, and because this amendment does not substantively affect the rights or obligations of non-agency parties, the provisions of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(3)(C), are not applicable. Additionally, the provisions of the Regulatory Flexibility Act, which apply only when notice and comment are required by the APA or other law, 5 U.S.C. 603, are not applicable. Section 23(a)(2) of the Securities Exchange Act, 15 U.S.C. 78w, requires the Commission, in adopting rules under that Act, to consider the anticompetitive effects of any rules it adopts. Because the amendment imposes no new burdens on parties in investigations, the Commission does not believe it will have any impact on competition. Finally, this amendment does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as