

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*

\* \* \* \* \*

**V-329 [Removed]**

\* \* \* \* \*

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

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

[FR Doc. E9-19036 Filed 8-10-09; 8:45 am]

**BILLING CODE 4910-13-P**

## **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

amended. Accordingly, the amendment is effective August 11, 2009.

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

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

#### Text of Amendment

■ For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

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

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

**Authority:** 15 U.S.C. 77o, 77s, 77sss, 78d, 78d-1, 78d-2, 78w, 78ll(d), 78mm, 80a-37, 80b-11, and 7202, unless otherwise noted.

\* \* \* \* \*

■ 2. Section 200.30-4 is amended by adding paragraph (a)(13) to read as follows:

#### § 200.30-4 Delegation of authority to Director of Division of Enforcement.

\* \* \* \* \*

(a) \* \* \*

(13) For the period from August 11, 2009 through August 11, 2010, to order the making of private investigations pursuant to section 19(b) of the Securities Act of 1933 (15 U.S.C. 77s(b)), section 21(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(b)), 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)). Orders issued pursuant to this delegation during this period will continue to have effect after August 11, 2010.

\* \* \* \* \*

Dated: August 5, 2009.

By the Commission.

Elizabeth M. Murphy,  
Secretary.

[FR Doc. E9-19116 Filed 8-10-09; 8:45 am]

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#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Part 2

#### Use of Ozone-Depleting Substances; Epinephrine

#### CFR Correction

In Title 21 of the Code of Federal Regulations, parts 1 to 99, revised as of

Apr. 1, 2009, on page 66, § 2.125(e)(2)(v) is reinstated as follows:

#### § 2.125 Use of ozone-depleting substances in foods, drugs, devices, or cosmetics.

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

(v) Epinephrine.

\* \* \* \* \*

[FR Doc. E9-19297 Filed 8-10-09; 8:45 am]

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#### DEPARTMENT OF THE INTERIOR

#### Minerals Management Service

#### 30 CFR Part 250

[Docket ID: MMS-2008-OMM-0023]

RIN 1010-AD55 (Formerly AD50)

#### Technical Changes to Production Measurement and Training Requirements

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Final rule.

**SUMMARY:** This final rule will revise the production measurement regulations to establish meter proving, meter verification/calibration, and well test requirements after hurricanes and other events beyond the control of the lessee. This rulemaking will eliminate some reporting burden on industry, and it will eliminate the need for MMS to grant waivers to the reporting requirements in certain situations. The final rule will also add new definitions providing clarity in the training regulations, which should lead to improved training of Outer Continental Shelf workers.

**DATES:** *Effective Date:* This rule becomes effective on September 10, 2009.

**FOR FURTHER INFORMATION CONTACT:** Richard Ensele, Regulations and Standards Branch, at (703) 787-1583.

**SUPPLEMENTARY INFORMATION:** On September 17, 2008, MMS published a Notice of Proposed Rulemaking in the *Federal Register* entitled "Technical Changes to Production Measurement and Training Requirements" (73 FR 53793). The comment period for that proposed rule closed on November 17, 2008. In response to the proposed rule, MMS received seven sets of comments. One entity submitted two responses. The commenters included two trade organizations (Offshore Operators Committee (OOC) and National Ocean Industries Association (NOIA)), two energy companies, one industry training

company, and one individual. We have posted all of the comments received on our Web site at: <http://www.mms.gov/federalregister/PublicComments/TechnicalChangesToProductionMeasurementTraining.htm>.

We considered all of the comments we received on the proposed rule. Following is a discussion of the relevant comments MMS received:

#### Revisions to Subpart L—Oil and Gas Production Measurement, Surface Commingling, and Security

We received suggestions from two entities regarding the proposed revisions to subpart L. The NOIA and OOC appreciate that the proposed rule will eliminate requirements for having to obtain certain waivers following force majeure events and suggested that similar revisions be made to the testing requirements in subpart H, Oil and Gas Production Safety Systems. Since we did not propose this change to subpart H, we cannot incorporate it into this final rulemaking. We will consider this suggestion in a future rulemaking.

The OOC provided additional suggestions. The OOC suggested that language be added to each of the following four paragraphs:

1. In § 250.1202(d)(3) add "and monthly thereafter but do not exceed 42 days between meter factor determinations." The OOC states this would make clear that this is not a make up proving, and the time starts over with the proving after returning to service.

2. In § 250.1202(k)(3) revise the ending to read "\* \* \* within 15 days after being returned to service and monthly thereafter." The OOC states that this should be added for clarity.

3. In § 250.1202(k)(4) revise the ending to read "\* \* \* within 15 days after being returned to service and quarterly thereafter." The OOC states that this should be added for clarity.

4. In § 250.1204(b)(1) revise the ending to read "\* \* \* within 15 days after being returned to service and bimonthly (or other frequency approved by the Regional Supervisor) thereafter." The OOC states that this should be added for clarity.

We agree with these suggestions, and will incorporate them in the final rule. Since § 250.1203(c)(1) was similarly worded, we incorporated OOC's language in the regulatory text there also.

The OOC also suggested that the force majeure waiver should be applied to the testing requirements for the master meter in § 250.1202(e)(3). We did not make this revision because we do not believe it is appropriate for a master