

Cumberland, MD, Greater Cumberland Rgnl, RNAV (GPS) RWY 23, Orig-A

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Sparta, TN, Upper Cumberland Rgnl, RNAV (GPS) RWY 22, Orig-B

Brownsville, TX, Brownsville/South Padre Island Intl, RNAV (GPS) RWY 17, Orig

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[FR Doc. 2011-22444 Filed 9-6-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30800; Amdt. No. 3441]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing 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:** This rule is effective September 7, 2011. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 7, 2011.

**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;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

*Availability*—All SIAPs are available online free of charge. Visit <http://nfdc.faa.gov> to register. Additionally, individual SIAP and Takeoff Minimums and ODP 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.

#### FOR FURTHER INFORMATION CONTACT:

Harry J. Hodges, Flight Procedure Standards Branch (AFS-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 rule amends Title 14, Code of Federal Regulations, part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P-NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

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 on 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. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

#### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P-NOTAMs.

The SIAPs, as modified by FDC P-NOTAM, and contained in this

amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC 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.

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 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, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on August 19, 2011.

**John M. Allen,**  
Director, Flight Standards Service.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, Title 14,

Code of Federal Regulations, part 97, 14 CFR part 97, is amended by amending 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. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 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, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

\* \* \* *EFFECTIVE UPON PUBLICATION*

AIRAC date	State	City	Airport	FDC No.	FDC Date	Subject
22-Sep-11 ...	CO	Denver .....	Denver Intl .....	1/1391	8/16/11	ILS OR LOC RWY 7, Amdt 2A.
22-Sep-11 ...	CO	Denver .....	Denver Intl .....	1/1393	8/16/11	ILS RWY 26, Amdt 2.
22-Sep-11 ...	TX	Dallas-Fort Worth ..	Dallas/Fort Worth Intl .....	1/7239	7/28/11	RNAV (RNP) Z RWY 31R, Amdt 1B.
22-Sep-11 ...	TX	Dallas-Fort Worth ..	Dallas/Fort Worth Intl .....	1/7240	7/28/11	RNAV (RNP) Z RWY 31L, Orig-C.
22-Sep-11 ...	TX	Dallas-Fort Worth ..	Dallas/Fort Worth Intl .....	1/7241	7/28/11	RNAV (GPS) Y RWY 31L, Orig.
22-Sep-11 ...	TX	Dallas-Fort Worth ..	Dallas/Fort Worth Intl .....	1/7242	7/28/11	CONVERGING ILS RWY 31R, Amdt 7B.
22-Sep-11 ...	TX	Eastland .....	Eastland Muni .....	1/7445	7/28/11	NDB RWY 35, Amdt 3.
22-Sep-11 ...	IA	Monticello .....	Monticello Rgnl .....	1/7975	8/2/11	RNAV (GPS) RWY 15, Amdt 1.
22-Sep-11 ...	MA	Lawrence .....	Lawrence Muni .....	1/8163	8/8/11	ILS OR LOC Z RWY 5, Orig.
22-Sep-11 ...	TX	Houston .....	Houston-Southwest .....	1/8752	8/8/11	LOC/DME RWY 9, Amdt 3A.
22-Sep-11 ...	WI	Oconto .....	Oconto/J. Douglas Bake Memorial.	1/8920	8/8/11	GPS RWY 11, Orig.
22-Sep-11 ...	WI	Oconto .....	Oconto/J. Douglas Bake Memorial.	1/8922	8/8/11	GPS RWY 29, Orig-A.
22-Sep-11 ...	KS	Harper .....	Harper Muni .....	1/9393	8/9/11	VOR OR GPS B, Amdt 1.
22-Sep-11 ...	IL	Alton/St. Louis .....	St Louis Rgnl .....	1/9395	8/9/11	VOR A, Amdt 9.
22-Sep-11 ...	IN	Indianapolis .....	Indianapolis Executive .....	1/9445	8/8/11	ILS OR LOC RWY 36, Amdt 5.
22-Sep-11 ...	IN	Indianapolis .....	Indianapolis Executive .....	1/9446	8/8/11	RNAV (GPS) RWY 36, Orig-A.
22-Sep-11 ...	IN	Marion .....	Marion Muni .....	1/9712	8/9/11	VOR RWY 15, Amdt 10A.
22-Sep-11 ...	GA	Brunswick .....	Malcolm McKinnon .....	1/9942	8/16/11	Takeoff Minimums and Obstacle DP, Amdt 2.
22-Sep-11 ...	WI	Milwaukee .....	Milwaukee/Lawrence J Timmerman.	1/9970	8/9/11	RNAV (GPS) RWY 15L, Orig.
22-Sep-11 ...	WI	Milwaukee .....	Milwaukee/Lawrence J Timmerman.	1/9971	8/9/11	LOC RWY 15L, Amdt 6.
22-Sep-11 ...	WI	Milwaukee .....	Milwaukee/Lawrence J Timmerman.	1/9972	8/9/11	VOR RWY 4L, Amdt 9.
22-Sep-11 ...	WI	Milwaukee .....	Milwaukee/Lawrence J Timmerman.	1/9973	8/9/11	VOR RWY 15L, Amdt 14.

[FR Doc. 2011-22450 Filed 9-6-11; 8:45 am]

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**SECURITIES AND EXCHANGE  
COMMISSION****17 CFR Part 271**

[Release No. IC-29776; File No. S7-33-11]

RIN 3235-AL22

**Use of Derivatives by Investment  
Companies Under the Investment  
Company Act of 1940****AGENCY:** Securities and Exchange  
Commission.**ACTION:** Concept release; request for  
comments.

**SUMMARY:** The Securities and Exchange Commission (the "Commission") and its staff are reviewing the use of derivatives by management investment companies registered under the Investment Company Act of 1940 (the "Investment Company Act" or "Act") and companies that have elected to be treated as business development companies ("BDCs") under the Act (collectively, "funds"). To assist in this review, the Commission is issuing this concept release and request for comments on a wide range of issues relevant to the use of derivatives by funds, including the potential implications for fund leverage, diversification, exposure to certain securities-related issuers, portfolio concentration, valuation, and related matters. In addition to the specific issues highlighted for comment, the Commission invites members of the public to address any other matters that they believe are relevant to the use of derivatives by funds. The Commission intends to consider the comments to help determine whether regulatory initiatives or guidance are needed to improve the current regulatory regime for funds and, if so, the nature of any such initiatives or guidance.

**DATES:** Comments should be received on or before November 7, 2011.**ADDRESSES:** Comments may be submitted by any of the following methods:**Electronic Comments**

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/concept.shtml>);
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov); or
- Use the Federal eRulemaking Portal (<http://www.regulations.gov>). Follow the instructions for submitting comments.

**Paper Comments**

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number S7-33-11. This file number should be included on the subject line if comments are submitted by e-mail. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/concept.shtml>). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. Therefore, you should only submit information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Rubenstein, Senior Special Counsel, or Michael S. Didiuk, Senior Counsel, at (202) 551-6825, Office of Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-5030.

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**I. Introduction**

The activities of funds, including their use of derivatives, are regulated extensively under the Investment Company Act,<sup>1</sup> Commission rules, and Commission guidance.<sup>2</sup> Derivatives may

<sup>1</sup> 15 U.S.C. 80a. All statutory references to the Investment Company Act are to 15 U.S.C. 80a, and, unless otherwise stated, all references to rules under the Investment Company Act are to Title 17, Part 270 of the Code of Federal Regulations [17 CFR 270]. All references to the Securities Act of 1933 (the "Securities Act") are to 15 U.S.C. 77a, and, unless otherwise stated, all references to rules under the Securities Act are to Title 17, Part 230 of the Code of Federal Regulations [17 CFR 230]. All references to the Securities Exchange Act of 1934 (the "Exchange Act") are to 15 U.S.C. 78a, and, unless otherwise stated, all references to rules under the Exchange Act are to Title 17, Part 240 [17 CFR 240].

<sup>2</sup> The staff has also issued no-action and other letters that relate to fund use of derivatives. In addition to Investment Company Act provisions, funds using derivatives must comply with all other applicable statutory and regulatory requirements, such as other Federal securities law provisions, the Internal Revenue Code (the "IRC"), Regulation T of the Federal Reserve Board ("Regulation T"), and the rules and regulations of the Commodity Futures Trading Commission (the "CFTC"). See also Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376 (2010) (the "Dodd-Frank Act"), available at <http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf>.