

Mecklenburg  
Middlesex  
Northumberland  
Nottoway  
Orange  
Prince Edward  
Richmond  
Sussex  
Westmoreland

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**WISCONSIN**

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**Milwaukee  
Survey Area**

Wisconsin:  
Milwaukee  
Ozaukee  
Washington  
Waukesha  
*Area of Application. Survey area plus:*

Wisconsin:  
Brown  
Calumet  
Door  
Fond du Lac  
Kewaunee  
Manitowoc  
Outagamie  
Racine  
Sheboygan  
Walworth  
Winnebago

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BILLING CODE 6325-39-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-0241; Airspace  
Docket No. 09-ASW-6]

#### Amendment of Class E Airspace; Refugio, TX

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the legal description of the Class E airspace at Refugio, TX. It removes the reference to the Rockport, TX, Class E airspace area to reflect its incorporation into the Corpus Christi, TX, Class E airspace area (74 FR 7560). All other legal descriptions for the Refugio, TX, airspace area remain the same.

**DATES:** *Effective Date:* 0901 UTC, May 7, 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:**  
Scott Enander, Central Service Center,  
Operations Support Group, Federal  
Aviation Administration, Southwest  
Region, 2601 Meacham Blvd, Fort  
Worth, TX 76193-0530; telephone (817)  
321-7716.

#### SUPPLEMENTARY INFORMATION:

##### History

On February 18, 2009, the FAA published in the **Federal Register** a final rule to revoke Class E airspace at Rockport, TX (74 FR 7560, Docket No. FAA-2008-0988). This airspace was incorporated into the Corpus Christi, TX, Class E surface area (74 FR 7557, Docket No. FAA-2008-0987). The FAA now will remove reference to the Rockport, TX, airspace area from the Refugio, TX, airspace area. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9S signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

##### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by removing Rockport, TX, from the legal description of the Class E airspace area at Refugio, TX.

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 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 U.S. Code. Subtitle 1, 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 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 the legal description for Class E airspace at Refugio, TX.

Since this is only an amendment to the legal description, and in consideration of the need to avoid confusion on the part of pilots flying in the vicinity of Refugio, TX, the FAA finds good cause, pursuant to 5 U.S.C. 553(d), for making this amendment effective in less than 30 days in order to promote the safe and efficient handling of air traffic in the area.

#### 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 14 CFR 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 the Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, and effective October 31, 2008, is amended as follows:

*Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

##### **ASW TX E5 Refugio, TX [Amended]**

Refugio, Mellon Ranch Airport, TX  
(Lat. 28°16'51" N., long. 97°12'41" W.)  
Mellon Ranch NDB  
(Lat. 28°16'48" N., long. 97°12'21" W.)  
Refugio, Rooke Field, TX  
(Lat. 28°17'37" N., long. 97°19'23" W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Mellon Ranch Airport, and within 2.7 miles each side of the 345° bearing from the Mellon Ranch NDB extending from the 6.8-mile radius to 7.4 miles north of the airport, and within 2.7 miles each side of the 145° bearing from the Mellon Ranch NDB

extending from the 6.8-mile radius to 7.4 miles south of the airport, excluding that airspace within a ½ mile radius of Rooke Field, and excluding that airspace within the Corpus Christi, TX Class E airspace area.

\* \* \* \* \*

Issued in Fort Worth, TX, on April 22, 2009.

**Roger M. Trevino,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

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**BILLING CODE 4910-13-P**

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 200

[Release No. 34-59829]

#### Delegation of Authority to the General Counsel

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its rules to delegate to the General Counsel its authority to designate officers in authorized investigations conducted by the Office of General Counsel. The Office of General Counsel of the Commission has the authority to conduct authorized investigations under Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) of possible violations by attorneys of the Commission Rules of Practice. In connection with these investigations, it may be necessary from time to time to amend the formal orders to add or remove officers designated to conduct the inquiry.

A delegation of authority to the General Counsel to designate officers would spare the Commissioners and their staffs from having to review matters in which the Commission has already issued an order and which implicate no policy issues. This would allow the General Counsel to designate additional officers to take testimony and conduct investigations in those matters or similarly remove officer designations as may be necessary. This authority is identical to that granted to the Director of the Division of Enforcement with respect to authorized investigations conducted by that Division.

**DATES:** *Effective Date:* May 4, 2009.

**FOR FURTHER INFORMATION CONTACT:** Donna McCaffrey, 202-551-5174, Office of General Counsel, Office of Litigation and Administrative Practice, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-9612.

**SUPPLEMENTARY INFORMATION:** Section 21 (a)(1) of the Securities Exchange Act of 1934 (“Exchange Act”) authorizes the Commission to conduct investigations regarding violations of the Exchange Act or its related rules or regulations. As part of such investigations, under Section 21(b) of the Exchange Act, the Commission may designate officers 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.

The Commission is delegating to the General Counsel the authority to designate additional officers in authorized investigations and to remove designated officers as necessary. This delegated authority will also apply to already authorized investigations by the Commission, so the delegation will allow the General Counsel to designate additional officers for an authorized investigation or rescind designations as the investigation proceeds.

Nevertheless, the staff may submit matters to the Commission for consideration, as it deems appropriate.

#### *Administrative Law Matters:*

The Commission finds, in accordance with the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(A)), that this revision relates solely to agency organization, procedures, or practices. Therefore, the provisions of the APA regarding notice of the proposed rulemaking and opportunities for public participation are not applicable.<sup>1</sup> For the same reason, and because these amendments do not substantially affect the rights or obligations of non-agency parties, the provisions of the Small Business Regulatory Enforcement Fairness Act are not applicable.<sup>2</sup> Additionally, the provisions of the Regulatory Flexibility Act, which apply only when notice and comment are required by the APA or other law, are not applicable.<sup>3</sup> Section 23(a)(2) of the Exchange Act requires the Commission, in adopting rules under the Act, to consider the anticompetitive effects of any rules it adopts. The Commission does not believe this rule will have any impact on competition because it imposes no new burdens on parties in authorized investigations. Finally, these amendments do not contain any collection of information requirements as defined by the

<sup>1</sup> 5 U.S.C. 533.

<sup>2</sup> 5 U.S.C. 804(3)(C).

<sup>3</sup> 5 U.S.C. 603.

Paperwork Reduction Act of 1995, as amended.<sup>4</sup>

Accordingly, it is effective May 4, 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 200.30-14 is amended by adding paragraph (m) to read as follows:

#### § 200-30-14 Delegation of authority to the General Counsel.

\* \* \* \* \*

(m)(1) To designate officers empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of investigations instituted by the Commission pursuant to Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) including for possible violations by attorneys of Rule 102(e) of the Commission Rules of Practice (17 CFR 201.102(e)).

(2) To terminate the authority of officers to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of investigations instituted by the Commission pursuant to Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) including for possible violations by attorneys of Rule 102(e) of the Commission Rules of Practice (17 CFR 201.102(e)).

By the Commission.

<sup>4</sup> 44 U.S.C. 3501 *et seq.*