

Defense (DOD) dated October 2005, the FAA was a cooperating agency on the FEA.

The FAA has conducted an independent review of the FEA and is adopting the FEA for this action pursuant to 40 CFR 1506.3(a) and (c) and has issued an Adoption of FEA and FONSI/Record of Decision (ROD) dated May 2010. This final rule, which increases the vertical limit and lateral boundary of R-3404, will not result in significant environmental impacts. A copy of the FAA Adoption of FEA and FONSI/ROD has been placed in the public docket for this rulemaking.

#### List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

#### PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

#### § 73.34 [Amended]

■ 2. § 73.34 is amended as follows:

\* \* \* \* \*

#### R-3404 Crane, IN [Revised]

Boundaries. That airspace within a 1 NM radius of lat. 38°49'30" N., long. 86°50'08" W.

Designated altitudes. Surface to and including 4,100 feet MSL.

Time of designation. Sunrise to sunset, daily from May 1 through and including November 1. Other times by NOTAM 24 hours in advance.

Controlling agency. FAA, Terre Haute ATCT.

Using agency. U.S. Navy, Crane Division, Naval Surface Warfare Center tenant of NSA Crane.

Issued in Washington, DC, July 16, 2010.

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

[FR Doc. 2010-17951 Filed 7-21-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Part 234

[Docket No. DOT-OST-2007-0022]

RIN No. 2105-AE02

#### Posting of Flight Delay Data on Web Sites

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Direct final rule; confirmation of effective date

**SUMMARY:** This document confirms the effective date of the direct final rule amending the time period for uploading flight performance information to a reporting air carrier's Web site from anytime between the 20th and 23rd day of the month to the fourth Saturday of the month.

**DATES:** This final rule is effective on July 21, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Blane A. Workie, Deputy Assistant General Counsel, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590, 202-366-9342 (phone), 202-366-7152 (fax), [blane.workie@dot.gov](mailto:blane.workie@dot.gov) (e-mail).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department of Transportation's Office of the Secretary (OST) published a direct final rule with a request for comments in the **Federal Register** on June 21, 2010 (75 FR 34925). The direct final rule required that the reporting carriers (*i.e.*, certificated air carriers that account for at least 1 percent of domestic scheduled passenger revenues) load flight performance data onto their Web sites on Saturday, July 24, 2010, for June data, and all subsequent flight performance information on the fourth Saturday of the month following the month for which the data are that being reported. OST uses the direct final rulemaking procedure for a non-controversial rule where OST believes that there will be no adverse public comment. The direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment was received by July 6, 2010, the regulation would become effective on July 21, 2010. No adverse comments were received, and thus this notice confirms that the direct final rule will become effective on that date.

Issued July 16, 2010, in Washington, DC.

**Susan Kurland,**

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 2010-17859 Filed 7-21-10; 8:45 am]

**BILLING CODE P**

## SECURITIES AND EXCHANGE COMMISSION

#### 17 CFR Part 200

[Release No. 34-62520]

#### Technical Amendment to Rules of Organization; Conduct and Ethics; and Information and Requests

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Securities and Exchange Commission ("Commission") is making technical amendments to the rule by which authority is delegated to the Director of the Division of Enforcement. The amendments update references to the provision in the Securities Act of 1933 ("Securities Act") which authorizes the Commission to issue subpoenas in investigations under the Securities Act, and delete references to the Public Utility Holding Company Act of 1935 ("PUHCA").

**DATES:** Effective Date: July 22, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Kenneth H. Hall, Assistant Chief Counsel, 202-551-4936, Office of Chief Counsel, Division of Enforcement, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-6553.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Commission is authorized to conduct investigations of possible violations of the Securities Act. Specifically, section 19(c) of the Securities Act<sup>1</sup> provides that,

For the purpose of any investigations which, in the opinion of the Commission, are necessary and proper for the enforcement of this title, any member of the Commission or any officer or officers designated by it are empowered to administer oaths and affirmations, subpoena [sic] witnesses, take evidence, and require the production of any books, papers, or other documents which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States or any Territory at any designated place of hearing.

<sup>1</sup> 15 U.S.C. 77s(c).

Section 21(b) of the Securities Exchange Act of 1934 ("Exchange Act"),<sup>2</sup> section 42(b) of the Investment Company Act of 1940<sup>3</sup> and section 209(b) of the Investment Advisers Act of 1940<sup>4</sup> also include provisions authorizing investigations. The Sarbanes-Oxley Act of 2002<sup>5</sup> amended section 19 of the Securities Act by inserting a new section (b), and by redesignating prior sections (b) and (c) as sections (c) and (d), respectively.<sup>6</sup> As a result of the statutory amendment, section 19(b) of the Securities Act, which pertained to investigations of possible Securities Act violations, was redesignated as section 19(c). To reflect this change, the Commission is adopting technical amendments to Rule 30-4, which delegates authority to the Director of its Division of Enforcement to take certain actions during investigations, including investigations under the Securities Act. Specifically, paragraphs (a)(1), (a)(4), (a)(10), (a)(11), and (a)(13) of Rule 30-4<sup>7</sup> are each being amended to refer to "section 19(c) of the Securities Act of 1933 (15 U.S.C. 77s(c))."

PUHCA was repealed by the Energy Policy Act of 2005.<sup>8</sup> To reflect this change, the Commission is also adopting technical amendments to Rule 30-4 to remove references to investigations brought under PUHCA. Specifically, paragraphs (a)(1), (a)(3), (a)(4), (a)(10), and (a)(11) of Rule 30-4 are each being amended to remove references to "section 18(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79r(c))."

**II. Administrative Law Matters**

Under the Administrative Procedure Act ("APA"), notice of proposed rulemaking is not required when an agency, for good cause, finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest.<sup>9</sup> The amendments are technical changes, adopted solely to update references to a statutory provision that remains unchanged except for its designation. For this reason, the Commission finds that it is unnecessary to publish notice of these amendments. Similarly, the amendments do not require analysis under the Regulatory Flexibility Act or analysis of major rule status under the Small Business Regulatory Fairness Act. See 5 U.S.C. 601(2) (for purposes of

Regulatory Flexibility Act analysis, the term "rule" means any rule for which the agency publishes a general notice of proposed rulemaking); and 5 U.S.C. 804(3)(C) (for purposes of Congressional review of agency rulemaking, the term "rule" does not include any rule of agency organization, procedure or practice that does not substantially affect the rights or obligations of non-agency parties).

Section 23(a)(2) of the Exchange Act requires the Commission, in adopting rules under the Exchange Act, to consider the competitive effects of such rules.<sup>10</sup> Because this amendment merely makes technical changes to update statutory references, no competitive advantages or disadvantages would be created.

**III. Statutory Authority and Text of Amendments**

We are adopting these technical amendments under the authority set forth in section 23(a) of the Exchange Act.<sup>11</sup>

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

Rules of organization, Conduct and ethics, and Information and requests.

**Text of Amendments**

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

**PART 200—RULES OF 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 revising paragraphs (a)(1), (a)(3), (a)(4), (a)(10), (a)(11) and (13) to read as follows:

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

\* \* \* \* \*

(a)(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 19(c) of

the Securities Act of 1933 (15 U.S.C. 77s(c)), 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)).

\* \* \* \* \*

(3) To terminate and close all investigations authorized by the Commission pursuant to section 20 of the Securities Act of 1933 (15 U.S.C. 77t), section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u), section 42 of the Investment Company Act of 1940 (15 U.S.C. 80a-41) and section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9).

(4) To terminate the authority 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 19(c) of the Securities Act of 1933 (15 U.S.C. 77s(c)), 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)).

\* \* \* \* \*

(10) To institute subpoena enforcement proceedings in federal court to seek an order compelling the production of documents or an individual's appearance for testimony pursuant to subpoenas issued pursuant to paragraph (a)(1) of this section in connection with investigations pursuant to section 19(c) of the Securities Act of 1933 (15 U.S.C. 77s(c)), 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)).

(11) To authorize staff to appear in federal bankruptcy court to preserve Commission claims in connection with investigations pursuant to section 19(c) of the Securities Act of 1933 (15 U.S.C. 77s(c)), 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)).

\* \* \* \* \*

(13) For the period from August 11, 2009 through August 11, 2010, to order

<sup>2</sup> 15 U.S.C. 78u(b).

<sup>3</sup> 15 U.S.C. 80a-41(b).

<sup>4</sup> 15 U.S.C. 80b-9(b).

<sup>5</sup> Public Law 107-204, 116 Stat. 745 (2002).

<sup>6</sup> Section 108(a)(1) and (2).

<sup>7</sup> 17 CFR 200.30-4(a)(1), (4), (10), (11), and (13).

<sup>8</sup> Public Law 109-58, 119 Stat. 624 (2005).

<sup>9</sup> 5 U.S.C. 553(b).

<sup>10</sup> 15 U.S.C. 78w(a)(2).

<sup>11</sup> 15 U.S.C. 782w(a).

the making of private investigations pursuant to section 19(c) of the Securities Act of 1933 (15 U.S.C. 77s(c)), 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: July 16, 2010.

**Florence E. Harmon,**  
Deputy Secretary.

[FR Doc. 2010-17897 Filed 7-21-10; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Part 9

[Docket No. TTB-2009-0004; T.D. TTB-86;  
Re: Notice No. 97]

RIN 1513-AB64

#### Establishment of the Sierra Pelona Valley Viticultural Area (2010R-004P)

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** This Treasury decision establishes the 9.7-square mile “Sierra Pelona Valley” American viticultural area in southern California. We designate viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

**DATES:** *Effective Date:* August 23, 2010.

**FOR FURTHER INFORMATION CONTACT:** Christina McMahon, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Room 200-E, Washington, DC 20220; phone 202-453-2256.

#### SUPPLEMENTARY INFORMATION:

##### Background on Viticultural Areas

###### TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act requires that these regulations, among other things, prohibit consumer deception and the use of misleading

statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the regulations promulgated under the FAA Act.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) contains the list of approved viticultural areas.

##### Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographical origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

##### Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Section 9.3(b) of the TTB regulations requires the petition to include—

- Evidence that the proposed viticultural area is locally and/or nationally known by the name specified in the petition;
- Historical or current evidence that supports setting the boundary of the proposed viticultural area as the petition specifies;
- Evidence relating to the geographical features, such as climate, soils, elevation, and physical features that distinguish the proposed viticultural area from surrounding areas;
- A description of the specific boundary of the proposed viticultural area, based on features found on United States Geological Survey (USGS) maps; and
- A copy of the appropriate USGS map(s) with the proposed viticultural area's boundary prominently marked.

##### Sierra Pelona Valley Viticultural Area

Mr. Ralph Jens Carter submitted a petition proposing the establishment of the Sierra Pelona Valley viticultural area on behalf of local grape growers. The proposed viticultural area covers 9.7 square miles and contains 96 acres of commercial vineyards. The proposed viticultural area lies 30 miles north of the City of Los Angeles, 35 miles east of the Pacific Ocean, and 20 miles southwest of the Mojave Desert. TTB notes that the proposed viticultural area is not within any established American viticultural area, and that the boundary line of the proposed viticultural area neither overlaps nor runs along any other proposed or established viticultural area boundary line. The evidence submitted in support of the petition is summarized below.

##### Name Evidence

The USGS Sleepy Valley and Agua Dulce maps identify the Sierra Pelona Valley as a landform within Los Angeles County. The USGS Ritter Ridge, Sleepy Valley, and Agua Dulce maps identify Sierra Pelona as a mountain range to the immediate north of the proposed Sierra Pelona Valley viticultural area.

According to the petition, the Sierra Pelona Valley is located north of California State Highway 14, between the towns of Santa Clarita and Palmdale (Los Angeles Region map, California Regional Series, Automobile Club of Southern California, 2006 edition). The proposed viticultural area, including the expansive Sierra Pelona Valley region, is adjacent to the southern foothills of the Sierra Pelona range (DeLorme Southern and Central California Atlas and Gazetteer, Seventh Edition, 2005, page 79).

The petition explains that the large Sierra Pelona Valley region, oriented northeast-to-southwest, comprises Hauser Canyon, upper Agua Dulce Canyon, and Mint Canyon, including Sleepy Valley. The petition states that in local usage “Sierra Pelona” applies to the expansive valley, as well as the mountain range to the immediate north of the valley. The Sierra Pelona Valley is the name that best describes the proposed viticultural area, according to the petitioner.

##### Boundary Evidence

The petition provides historical, physiographical, and geographical data to define the boundary of the proposed viticultural area.

Viticulture in the proposed Sierra Pelona Valley viticultural area started in 1995, according to the petition. By 2008, the region had 96 acres of commercial vineyards.