

## 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, paragraph (a)(14) is revised to read as follows:

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

(a) \* \* \*

(14) To submit witness immunity requests to the U.S. Attorney General pursuant to 18 U.S.C. 6002-6004, and, upon approval by the U.S. Attorney General, to seek or, for the period from June 17, 2011 through December 19, 2012, to issue orders compelling an individual to give testimony or provide other information pursuant to subpoenas that may be necessary to the public interest in connection with investigations and related enforcement actions pursuant to section 22(b) of the Securities Act of 1933 (15 U.S.C. 77v(b)), section 21(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(c)), section 42(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(c)) and section 209(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9(c)).

By the Commission.

Dated: June 13, 2011.

**Elizabeth M. Murphy,**  
*Secretary.*

[FR Doc. 2011-15030 Filed 6-16-11; 8:45 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2011-0467]

### Drawbridge Operation Regulations; Cheesequake Creek, Morgan, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Route 35 Bridge,

mile 0.0, across Cheesequake Creek at Morgan, New Jersey. The deviation is necessary to perform structural and electrical rehabilitation. This deviation allows the bridge to remain in the closed position for four months.

**DATES:** This deviation is effective from December 1, 2011 through March 31, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2011-0467 and are available online at <http://www.regulations.gov>, inserting USCG-2011-0467 in the "Keyword" and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail Mr. Joe Arca, Project Officer, First Coast Guard District, [joe.m.arca@uscg.mil](mailto:joe.m.arca@uscg.mil), telephone (212) 668-7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The Route 35 Bridge, across Cheesequake Creek, mile 0.0, at Morgan, New Jersey, has a vertical clearance in the closed position of 25 feet at mean high water and 30 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.709.

The waterway is predominantly used by recreational vessels on a seasonal basis.

The owner of the bridge, the New Jersey Department of Transportation, requested a temporary deviation from the regulations to facilitate structural and electrical rehabilitation of the bridge.

The bridge would not be able to open for vessel traffic for four months during the prosecution of the bridge rehabilitation repairs; however, the repairs will take place during the winter months, December through March, when the bridge normally receives no requests to open.

The Coast Guard published notice of the proposed four month bridge closure in the Local Notice to Mariners on April 7, 2011, with a request for comments. No comments were received.

New Jersey Department of Transportation held a public information meeting with the local marinas and interested parties on March 24, 2011. No objections were received as

a result of the public information meeting.

Under this temporary deviation the Route 35 Bridge may remain in the closed position for four months from December 1, 2011 through March 31, 2012. Vessels that can pass under the bridge in the closed position may do so at any time.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 31, 2011.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 2011-15049 Filed 6-16-11; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R5-ES-2011-0035;  
92220-1113-0000; ABC Code: C6]

**RIN 1018-AX80**

### Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Virginia Northern Flying Squirrel in Compliance With a Court Order

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are issuing this final rule to comply with a court order that has the effect of reinstating the regulatory protections under the Endangered Species Act of 1973 (ESA), as amended, for the Virginia northern flying squirrel (*Glaucomys sabrinus fuscus*). Pursuant to the District of Columbia District Court order dated March 25, 2011, this rule reinstates the Virginia northern flying squirrel listing as endangered.

**DATES:** This action is effective June 17, 2011. However, the court order had legal effect immediately upon its filing on March 25, 2011.

**ADDRESSES:** This final rule is available on the Internet at <http://www.regulations.gov>. It will also be available for inspection, by appointment, during normal business hours at U.S. Fish and Wildlife Service, West Virginia Field Office, 694 Beverly Pike, Elkins, West Virginia 26241. Call (304) 636-6586 to make arrangements.

**FOR FURTHER INFORMATION CONTACT:** For information contact Deborah Carter, Project Leader, at our West Virginia field office (see **ADDRESSES**) or telephone (304) 636-6586, extension 12. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 1-800-877-8337 for TTY assistance.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 26, 2008, we published a final rule to remove ESA protections for the Virginia northern flying squirrel, more commonly known as the West Virginia northern flying squirrel (WVNFS) (73 FR 50226). Additional background information on the WVNFS, including previous Federal actions, can be found in our August 26, 2008, final rule, <http://www.regulations.gov>, or at <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A09R>.

A lawsuit challenging our final rule was filed in U.S. District Court for the District of Columbia. On March 25, 2011, the U.S. District Court for the District of Columbia vacated and set aside our 2008 delisting rule (*Friends of Blackwater et al. v. Salazar et al.*, 1:09-cv-02122-EGS).

The decision reinstates Federal protections that were in place prior to our 2008 delisting. Accordingly,

WVNFS is listed as endangered throughout its range (50 FR 26999 27002, July 1, 1985; 50 CFR 17.11(h)). Therefore, take of WVNFS may be authorized only by a permit obtained under section 10 of the ESA, or if exempted by an incidental take statement within a biological opinion issued by the Service pursuant to section 7 of the ESA. We notified all State and Federal partners of the decision and its impact shortly after the order was released. There are no federally recognized Tribes to notify in Virginia or West Virginia. We also took steps to ensure the public was aware of the decision.

This action is independent of any decision by the United States or any interveners in the case to appeal the March 25, 2011, District of Columbia District Court ruling.

**Administrative Procedure**

This rulemaking is necessary to comply with the March 25, 2011, court order. Therefore, under these circumstances, the Director has determined, pursuant to 5 U.S.C. 553(b)(3)(B), that prior notice and opportunity for public comment are impractical and unnecessary. The Director has further determined, pursuant to 5 U.S.C. 553(d)(3), that the agency has good cause to make this rule effective upon publication.

**Effects of the Rule**

As of the filing of the court order, delisted WVNFS were again listed as endangered (50 CFR 17.11(h)).

This rule will not affect the status of WVNFS under State laws or suspend any other legal protections provided by State law.

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

**Regulation Promulgation**

In order to comply with the court order discussed above, we amend part 17, subchapter B of chapter I, title 50 of the CFR, as set forth below:

**PART 17—[AMENDED]**

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. Amend § 17.11 by adding an entry in the table at paragraph (h) for “Squirrel, Virginia northern flying” under “MAMMALS” as follows:

**§ 17.11 [Amended]**

\* \* \* \* \*  
(h) \* \* \*

Species			Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name							
MAMMALS								
*	*	*		*	*	*		*
Squirrel, Virginia northern flying.	<i>Glaucomys sabrinus fuscus.</i>		U.S.A. (VA, WV).	Entire .....	E	189	N/A	N/A
*	*	*		*	*	*		*

\* \* \* \* \*

Dated: May 27, 2011.

**Rowan W. Gould,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 2011-15111 Filed 6-16-11; 8:45 am]

**BILLING CODE 4310-55-P**