

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-66020A; File No. S7-19-10]

RIN 3235-AK69

Technical Amendment to Rules for the Temporary Registration of Municipal Advisors

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; technical amendment.

SUMMARY: The Securities and Exchange Commission (“Commission”) is making a technical amendment to rules under the Securities Exchange Act of 1934 (“Exchange Act”) to correct an inadvertent error. On December 21, 2011, the Commission extended the expiration date for the temporary municipal advisor registration regime to September 30, 2012. In the release extending the expiration date, the Commission inadvertently omitted a reference to Subpart N, which resulted in the deletion of Subpart N from the Code of Federal Regulations. With this technical amendment, the Commission is correcting the omission and adding back Subpart N to the Code of Federal Regulations.

DATES: *Effective Date:* July 18, 2012.

FOR FURTHER INFORMATION CONTACT: Yue Ding, Attorney-Adviser, Office of Market Supervision, at (202) 551-5842, Division of Trading and Markets, Commission, 100 F Street NE., Washington, DC 20549-7010.

SUPPLEMENTARY INFORMATION: On September 1, 2010, the Commission adopted interim final temporary Rule 15Ba2-6T under the Exchange Act (“Rule 15Ba2-6T”),¹ which provides for the temporary registration of municipal advisors under the Exchange Act, as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act.² The Commission also adopted Subpart N (Forms for Registration of Municipal Advisors), which consisted of 17 CFR 249.1300T (Form MA-T—For temporary registration as a municipal advisor, and for amendments to, and withdrawals from, temporary registration). On December 21, 2011, the Commission adopted an amendment to Rule 15Ba2-6T, which extended the date on which Rule 15Ba2-6T (and consequently Form

MA-T) will sunset from December 31, 2011, to September 30, 2012.³ The Commission did not make any other amendments to Rule 15Ba2-6T or Form MA-T. In the release extending the expiration date, the Commission inadvertently omitted the reference to Subpart N and 17 CFR 249.1300T in the “Statutory Authority and Text of Rule and Amendments” section. As such, Subpart N, which consists of 17 CFR 249.1300T, was deleted from the Code of Federal Regulations. The Commission is making this technical amendment to restore Subpart N and 249.1300T to Title 17 of the Code of Federal Regulations.

List of Subjects in 17 CFR Part 249

Reporting and recordkeeping requirements, Municipal advisors, Temporary registration requirements.

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

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

- 1. The authority citation for part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a *et seq.* and 7201 *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

- 2. Subpart N, consisting of § 249.1300T, is added to read as follows:

Subpart N—Forms for Registration of Municipal Advisors

§ 249.1300T Form MA-T—For temporary registration as a municipal advisor, and for amendments to, and withdrawals from, temporary registration.

The form shall be used for temporary registration as a municipal advisor, and for amendments to, and withdrawals from, temporary registration pursuant to Section 15B of the Exchange Act, (15 U.S.C. 78o-4).

Note: The text of Form MA-T does not, and the amendments will not, appear in the Code of Federal Regulations.

Dated: July 12, 2012.

Elizabeth M. Murphy,
Secretary.

[FR Doc. 2012-17411 Filed 7-17-12; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2012-0313]

RIN 1625-AA00

Safety Zones; Annual Fireworks Events in the Captain of the Port Detroit Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations by adding four permanent safety zones within the Captain of the Port Detroit Zone. This action is necessary to provide for the safety of life and property on navigable waters during each event. This action is intended to restrict vessel traffic in portions of the Captain of the Port Detroit Zone.

DATES: This final rule is effective on August 17, 2012.

ADDRESSES: Comments and material received from the public, are part of docket number USCG-2012-0313 and are available for inspection by any one of the following methods:

(1) *Federal eRulemaking Portal:*
<http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LTJG Benjamin Nessia, Response Department, Marine Safety Unit Toledo, Coast Guard; telephone (419) 418-6040, email Benjamin.B.Nessia@uscg.mil. If you have questions on viewing material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On May 22, 2012, we published a notice of proposed rulemaking (NPRM) entitled Safety Zones; Annual Fireworks Events in the Captain of the Port Detroit Zone in the **Federal Register** (77 FR 30245). We did not receive any comments in response to the proposed

¹ 17 CFR 240.15Ba2-6T.

² See Securities Exchange Act Release No. 62824 (September 1, 2010), 75 FR 54465 (September 8, 2010).

³ See Securities Exchange Act Release No. 66020 (December 21, 2011), 76 FR 80733 (December 27, 2011).

rule. No public meeting was requested and none was held.

Basis and Purpose

Currently, 33 CFR 165.941(a) permanently lists fifty-six permanent safety zones within the Captain of the Port Detroit Zone. Each of these fifty-six permanent safety zones corresponds to an annually recurring fireworks display. A recent survey within the Captain of the Port Detroit Zone revealed four additional recurring events that require, in the Captain of the Port's opinion, a safety zone because these events may present dangers to the boating public. The likely combination of large numbers of inexperienced recreational boaters, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Three of these four additional fireworks displays occur within a single month each year. The other event, the Put-In-Bay Chamber of Commerce Fireworks, occurs four times a year; twice in June and twice in September. Each of these additional fireworks events typically occurs during the same week of its respective month, but the exact date and times of each of these events will be determined each year.

Background

To mitigate the dangers presented by these four recurring fireworks displays, the Captain of the Port Detroit has determined that establishing safety zones is necessary. Thus, the Coast Guard is amending 33 CFR 165.941 by adding four permanent safety zones. These safety zones will be enforced in the following locations and at the following times:

The safety zone for the Catawba Island Club Fireworks, Catawba Island, OH, will encompass all waters of Lake Erie within a 250-yard radius of the fireworks launch site located at position 41°34'–18.10" N, 082°51'–18.70" W (NAD 83). This zone will be enforced one evening during the last week in May.

The safety zone for the Put-In-Bay Chamber of Commerce Fireworks, Put-In-Bay, OH, encompasses all the waters of Lake Erie within a 1000-foot radius of the fireworks launch site located at position 41°39'–19" N, 082°48'–57" W (NAD 83). This zone will be enforced one evening during the third week in June, one evening during the last week in June, one evening during the first week in September, and one evening during the second week in September.

The safety zone for the Bay Point Fireworks Display, Marblehead, OH,

encompasses all the waters of Lake Erie within a 250-yard radius of the fireworks launch site located at position 41°30'29.23" N, 082°43'8.45" W (NAD 83). This zone will be enforced one evening during the first week in July.

The safety zone for the Marysville Days Fireworks, Marysville, MI, encompasses all waters of the St. Clair River bounded by the arc of a circle with a 600-foot radius with its center in approximate position 42°54'25" N, 082°27'58" W (NAD 83). This zone will be enforced one evening during the last week in June.

The Captain of the Port Detroit will use all appropriate means to notify the public when the safety zones in this ruling will be enforced. Consistent with 33 CFR 165.7(a), such means of may include, among other things, publication in the **Federal Register**, Broadcast Notice to Mariners, Local Notice to Mariners, or, upon request, by facsimile (fax). Also, the Captain of the Port will issue a Broadcast Notice to Mariners notifying the public if enforcement of a safety zone in this section is cancelled prematurely.

Entry into, transiting, or anchoring within each of these safety zones during a period of enforcement is prohibited unless authorized by the Captain of the Port Detroit, or his designated representative. The Captain of the Port or his designated representative may be contacted via VHF Channel 16.

Discussion of Comments and Changes

No comments were received and there are no changes to the rule as proposed by the NPRM published on May 22, 2012.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this rule is not

a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zones established by this rule will be relatively small and enforced for relatively short time. Also, each safety zone is designed to minimize its impact on navigable waters. Furthermore, each safety zone has been designed to allow vessels to transit unrestricted to portions of the waterways not affected by the safety zones. Thus, restrictions on vessel movements within any particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through each safety zone when permitted by the Captain of the Port. On the whole, the Coast Guard expects insignificant adverse impact to mariners from the activation of these safety zones.

2. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners and operators of vessels intending to transit or anchor in the above portions of Lake Erie and the Saint Clair River during the period that any of the proposed safety zones is being enforced.

These safety zones will not have a significant economic impact on a substantial number of small entities for all of the reasons discussed in the above Regulatory Planning and Review section. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement

Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If this rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LTJG Benjamin Nessia, Response Department, Marine Safety Unit Toledo, Coast Guard; telephone (419) 418–6040, email Benjamin.B.Nessia@uscg.mil. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and

Interference With Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination With Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

13. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or

adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of safety zones and thus, is categorically excluded under paragraph (34)(g) of the Instruction. An environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 165.941, add paragraphs (a)(56) through (59) to read as follows:

§ 165.941 Safety Zones; Annual Events in the Captain of the Port Detroit Zone.

(a) * * *

(56) Catawba Island Club Fireworks; Catawba Island, OH:

(i) *Location*. All waters of Lake Erie within a 250-yard radius of the fireworks launch site located at position 41–34′–18.10″ N, 082–51′–18.70″ W (NAD 83).

(ii) *Expected date*. This safety zone will be enforced one evening during the last week in May.

(57) Put-In-Bay Chamber of Commerce Fireworks, Put-In-Bay, OH:

(i) *Location*. All waters of Lake Erie within a 1,000-foot radius of the fireworks launch site located at position 41–39′–19″ N, 082–48′–57″ W (NAD 83). This area is located in the Put-In-Bay Harbor.

(ii) *Expected dates*. This safety zone will be enforced one evening during the third week in June, one evening during the last week in June, one evening during the first week in September, and one evening during the second week in September.

(58) Bay Point Fireworks Display, Marblehead, OH:

(i) *Location*. All waters of Lake Erie within a 250-yard radius of the fireworks launch site located at position 41–30′–29.23″ N, 082–43′–8.45″ W (NAD 83).

(ii) *Expected date*. This safety zone will be enforced one evening during the first week in July.

(59) Marysville Days Fireworks, Marysville, MI:

(i) *Location*. All waters of the St. Clair River within a 600 foot radius of the fireworks launch site located on land at position 42–54′–25″ N, 082–27′–58″ W (NAD 83).

(ii) *Expected date*. This safety zone will be enforced one evening during the last week in June.

Dated: July 6, 2012.

D.V. Smith,

Commander, U.S. Coast Guard, Acting Captain of the Port Detroit.

[FR Doc. 2012–17409 Filed 7–17–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2012–0563]

RIN 1625–AA00

Safety Zone; Fireworks Display, Potomac River, Charles County, Newburg, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard will establish a safety zone upon specified waters of the Potomac River. This action is necessary to provide for the safety of life on navigable waters during a fireworks display launched from a barge located in the Potomac River at Newburg in Charles County, Maryland. This safety zone is intended to protect the maritime public in a portion of the Potomac River.

DATES: This rule is effective from 8 p.m. on July 21, 2012, through 10:30 p.m. on July 22, 2012.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2012–0563]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 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 email Mr. Ronald L. Houck, Sector Baltimore Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email Ronald.L.Houck@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM). The Coast Guard received the information about the event on May 23, 2012, and it would be impracticable to publish an NPRM and receive comments before the event commences.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Due to the need for immediate action, the restriction of vessel traffic is necessary to protect life, property and the environment; therefore, a 30-day notice is impracticable.

B. Basis and Purpose

Fireworks displays are frequently held from locations on or near the navigable waters of the United States. The potential hazards associated with fireworks displays are a safety concern during such events. The purpose of this rule is to promote public and maritime safety during a fireworks display, and to protect mariners transiting the area from the potential hazards associated with a fireworks display, such as the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. This rule is needed to ensure safety on the waterway during the scheduled event.

C. Discussion of the Final Rule

Digital Lightning, of Kensington, Maryland, will conduct a fireworks display launched from a barge located on the Potomac River, adjacent to Gilligan’s Pier Restaurant, at Newburg in Charles County, Maryland scheduled on July 21, 2012 at approximately 9:45 p.m. If necessary, due to inclement weather, the fireworks display may be re-scheduled to take place on July 22, 2012 at approximately 9:45 p.m.

The Coast Guard is establishing a temporary safety zone on certain waters of the Potomac River, within a 200 yards radius of a fireworks discharge barge in approximate position latitude 38°23′41″ N, longitude 076°59′30″ W, located at Newburg in Charles County, Maryland (NAD 1983). The temporary safety zone will be enforced from 8 p.m. through 10:30 p.m. on July 21, 2012 and, if necessary due to inclement weather, from 8 p.m. through 10:30 p.m. on July 22, 2012. The effect of this temporary safety zone will be to restrict navigation in the regulated area during, as well as the set up and take down of, the fireworks display. No person or vessel may enter or remain in the safety zone. Vessels will be allowed to transit the waters of the Potomac River outside the safety zone. Notification of the temporary safety zone will be provided to the public via marine information broadcasts.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving