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Acting Manager, Air Traffic Division, Central Region.

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

RIN 3038-AB64

Minimum Financial and Related Reporting Requirements for Futures Commission Merchants and Introducing Brokers; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects typographical errors in a final rule that was published in the **Federal Register** on August 12, 2004. This document also corrects the inadvertent omission of technical corrections that were described in the preamble of the published document but which were not included in the amendatory language of the final rule.

DATES: Effective as of September 30, 2004.

FOR FURTHER INFORMATION CONTACT: Thelma Diaz, Special Counsel, at (202) 418-5137, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Electronic mail: *tdiaz@cftc.gov*.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** of August 12, 2004 (69 FR 49784), the Commodity Futures Trading Commission ("Commission") announced amendments to Commission rules relating to the minimum financial and related reporting requirements for futures commission merchants and introducing brokers. As discussed in the preamble, at page 49791, footnote 36, the amendments included technical corrections to revise references to "1.17(a)(1)(ii)" to read "1.17(a)(1)(iii)" within Rules 1.10(j)(8) and 1.17(a)(2), in order to reflect prior Commission rulemaking that had redesignated Rule 1.17(a)(1)(ii). However, these technical corrections were inadvertently omitted from the amendatory language in the published document, and the amendatory language also contained typographical errors. This document corrects both the omission and the typographical errors in the published document.

■ In FR Doc. 04-18349, appearing at pages 49784 through 49800 in the **Federal Register** of Thursday, August 12, 2004, the following corrections are made:

PART 1—[Corrected]

■ 1. On page 49795, in the second column, in amendatory instruction Number 2, beginning in the second line, the language that reads "(e), and (f)" is corrected to read "(e), (f), and (j)(8)(ii)(A)".

§ 1.10 [Corrected]

■ 2. On page 49795, in the third column, in § 1.10, in paragraph (c)(3), seventh line, the phrase "a registrant" in corrected to read "an applicant".

■ 3. On page 49797, in the first column, in § 1.10, in paragraph (f)(1)(ii)(B), in the last line of the paragraph, the phrase subparagraph (f)(1)(ii) is corrected to read as "paragraph (f)(1)(ii)".

■ 4. On page 49797, in the first column, in § 1.10, after the five asterisks that follow paragraph (f)(2)(ii), and before amendatory instruction Number 3, the section is corrected by adding the following:

(j) * * *

(8) * * *

(ii)(A) Notwithstanding the provisions of paragraph (j)(8)(i) of this section or of § 1.17(a), an introducing broker that is a party to a guarantee agreement that has been terminated in accordance with the provisions of paragraph (j)(5)(ii) of this section shall not be deemed to be in violation of the minimum adjusted net capital requirement of § 1.17(a)(1)(iii) or (a)(2) for 30 days following such termination. Such an introducing broker must cease doing business as an introducing broker on or after the effective date of such termination, and may not resume doing business as an introducing broker unless and until it files a new agreement or either:

* * * * *

§ 1.16 [Corrected]

■ 5. On page 49798, following the second column, in amendatory instruction Number 4, the section heading "§ 11.16 Qualifications and reports of accountants" is corrected to read as "§ 1.16 Qualifications and reports of accountants".

■ 6. On page 49799, in the first column, in amendatory instruction Number 5, the second line, the language that reads "paragraphs (a)(1)(i)(B) and (b)(4)" is corrected to read as "paragraph (a)(1)(i)(B), the first sentence of paragraph (a)(2)(ii), and paragraph (b)(4)".

§ 1.17 [Corrected]

■ 7. On page 49799, in the first column, in § 1.17, after the five asterisks that follow paragraph (a)(1)(i)(B)(2), and before paragraph (b), the section is corrected by adding the following:

(2) * * *

(ii) The minimum requirements of paragraph (a)(1)(iii) of this section shall not be applicable to an introducing broker which elects to meet the alternative adjusted net capital requirement for introducing brokers by operation pursuant to a guarantee agreement which meets the requirements set forth in § 1.10(j). * * *

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Issued in Washington, DC, on September 13, 2004, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 04-21021 Filed 9-16-04; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05-04-158]

RIN 1625-AA08

Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations during the "Catholic Charities Dragon Boat Races," a marine event to be held September 18, 2004, on the waters of the Patapsco River, Inner Harbor, Baltimore, MD. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Inner Harbor during the event.

DATES: This rule is effective from 6:30 a.m. to 6:30 p.m. on September 18, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket CGD05-04-158 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Section, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and (d)(3) the Coast Guard finds that good cause exists for not publishing an NPRM and making it effective less than 30 days after publishing in the **Federal Register**. Publishing an NPRM and waiting 30 days for it to be effective would be impracticable and contrary to the public interest as immediate action is necessary to protect event participants from the substantial dangers posed by vessels operating near the competition. For this reason, a temporary special local regulation is necessary to provide for the safety of life at sea during the event. In addition, advance notifications will be made via the Local Notice to Mariners, marine information broadcasts, and area newspapers.

Background and Purpose

On September 18, 2004, Associated Catholic Charities, Inc. will sponsor Dragon Boat Races in the Inner Harbor. The event will consist of 40 teams rowing Chinese Dragon Boats in heats of 2 to 4 boats for a distance of 400 meters. Due to the need for vessel control during the event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators and other transiting vessels.

Discussion of Rule

The Coast Guard is establishing special local regulations on specified waters of the Patapsco River, Inner Harbor, Baltimore, MD. The regulations will be in effect from 6:30 a.m. to 6:30 p.m. on September 18, 2004. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. Vessel traffic will be allowed to transit the regulated area at slow speed between heats, when the Coast Guard Patrol Commander determines it is safe to do so. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not

require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this rule prevents traffic from transiting a portion of the Inner Harbor during the event, the effect of this rule will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers so mariners can adjust their plans accordingly. In addition, vessel traffic will be allowed to transit the regulated area at slow speed between heats, when the Coast Guard Patrol Commander determines it is safe to do so.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we 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 will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of the Inner Harbor during the event.

Although this regulation prevents traffic from transiting a portion of the Inner Harbor during the event, the effect of this regulation will not be significant because of the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers so mariners can adjust their plans accordingly. In addition, vessel traffic will be allowed to transit the regulated area at slow speeds between heats, when the Coast Guard Patrol

Commander determines it is safe to do so.

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.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

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

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.

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 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

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.

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 does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial and 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.

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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

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.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections. Under figure 2–1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

List of Subjects in 33 CFR Part 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1

■ 2. Add temporary § 100.35–T05–158 to read as follows:

§ 100.35–T05–158 Patapsco River, Inner Harbor, Baltimore, MD.

(a) *Regulated area.* The regulated area is established for the waters of the Inner Harbor from shoreline to shoreline, bounded on the east by a line drawn along longitude 076°36' 30" West. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(d) *Effective period.* This section will be effective from 6:30 a.m. to 6:30 p.m. on September 18, 2004.

Dated: September 2, 2004.

Ben R. Thomason, III,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 04–20928 Filed 9–16–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–04–165]

RIN 1625–AA08

Special Local Regulations for Marine Events; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of implementation of regulation.

SUMMARY: The Coast Guard is implementing the special local regulations at 33 CFR 100.501 during the "Chesapeake Bay Workboat Races" to be held September 19, 2004, on the waters of the Elizabeth River between Norfolk and Portsmouth, Virginia. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the marine event. The effect will be to restrict general navigation in the regulated area for the safety of participants, spectators and other vessels transiting the event area.

DATES: *Enforcement Dates:* 33 CFR 100.501 will be enforced from 1:30 p.m. to 4:30 p.m. on September 19, 2004.

FOR FURTHER INFORMATION CONTACT: S.L. Phillips, Project Manager, Commander, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23704, (757) 398–6204.

SUPPLEMENTARY INFORMATION: Norfolk Festevents will sponsor the "Chesapeake Bay Workboat Races" on the waters of the Elizabeth River on September 19, 2004. Approximately 25 traditional Chesapeake Bay deadrise workboats will race along an oval course in the Norfolk Harbor. A fleet of spectator vessels is expected. Therefore,