Statutory Basis

We are adopting the amendments to Regulation S–T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,[8] Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,[9] Section 319 of the Trust Indenture Act of 1939,[10] and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[11]

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendment

■ In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for Part 232 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*, 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, and 7201 *et seq.*; and 18 U.S.C. 1350.

* * * * *

■ 2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: ''General Information,'' Version 7 (July 2009). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 12 (July 2009). Additional provisions applicable to Form N–SAR filers are set forth in the EDGAR Filer Manual, Volume III: ''N–SAR Supplement,'' Version 1 (September 2005). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street, NE., Room 1520, Washington, DC 20549, or call (202) 551–5850, on official business days between the hours of 10 a.m. and 3 p.m. Electronic copies are available on the Commission's Web site. The address for the Filer Manual is *http://www.sec.gov/info/edgar.shtml.* You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

By the Commission.

Dated: July 28, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–18434 Filed 8–3–09; 8:45 am]

BILLING CODE 8010–01–P

[8] 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

[9] 15 U.S.C. 78c, 78*l*, 78m, 78n, 78o, 78w, and 78*ll*.

[10] 15 U.S.C. 77sss.

[11] 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100, 147 and 165

[USCG–2009–0677]

District Eight Safety Zones and Special Local Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice of expired temporary rules issued.

SUMMARY: This document provides required notice of substantive rules issued by the Coast Guard and temporarily effective between May 2006 and January 2009, that expired before they could be published in the **Federal Register**. This notice lists safety zones and special local regulations issued in the Eighth Coast Guard District, all of very limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective and were terminated between May 15, 2006 and January 9, 2009.

ADDRESSES: Documents listed in this preamble under the USCG–200#–#### format are available for electronic viewing under their individual docket numbers at *http://www.regulations.gov*. All other document formats are available for viewing online under Notice USCG–2009–0677 at *http://www.regulations.gov*. These documents 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: For questions on this notice contact Yeoman First Class Denise Johnson, Office of Regulations and Administrative Law, telephone (202) 372–3862. For questions on viewing, or on submitting material to the docket, contact Ms. Angie Ames, Docket Operations, telephone 202–366–5115.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Timely publication of these rules in the **Federal Register** is often precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the beginning of the effective period, mariners were personally notified of the contents of these safety zones by Coast Guard officials' on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard is publishing a list of expired temporary regulations pertaining to the Eighth Coast Guard District, which is headquartered in New Orleans, Louisiana. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if

sufficient time is available to do so before they are placed in effect or terminated. The temporary rules listed in this notice have been exempted from review under Executive Order 12866, Regulatory Planning and Review, because of their emergency nature, or limited scope and temporary effectiveness.

The following rules were placed in effect temporarily during the period between May 2006 and January 2009, unless otherwise indicated.

Dated: July 28,2009.

S.G. Venckus,

Chief, Office of Regulations and Administrative Law.

BILLING CODE 4910–15–P

DIST08 Expired Temporary Listing

Docket Number	Location	Type	Effective Date
CGD05-09-114	Pender County, NC	Safety Zones (Parts 147 and 165)	11/25/2006
COTP Houston-Galveston-06-007	Houston, TX	Safety Zones (Parts 147 and 165)	5/15/2006
COTP Houston-Galveston-06-0010	Galveston, TX	Safety Zones (Parts 147 and 165)	6/15/2006
COTP Houston-Galveston-06-0032	Galveston, TX	Safety Zones (Parts 147 and 165)	10/20/2006
COTP Houston-Galveston-06-0033	Galveston, TX	Safety Zones (Parts 147 and 165)	10/23/2006
COTP Houston-Galveston-06-0034	Galveston, TX	Safety Zones (Parts 147 and 165)	10/24/2006
COTP Houston-Galveston-06-0035	Galveston, TX	Safety Zones (Parts 147 and 165)	10/25/2006
COTP Houston-Galveston-07-001	Galveston, TX	Safety Zones (Parts 147 and 165)	11/29/2006
COTP Houston-Galveston-07-002	Galveston, TX	Safety Zones (Parts 147 and 165)	11/30/2006
COTP Houston-Galveston-07-012	Galveston, TX	Safety Zones (Parts 147 and 165)	4/16/2007
COTP Houston-Galveston-07-017	Houston, TX	Safety Zones (Parts 147 and 165)	8/3/2007
COTP Houston-Galveston-07-019	Galveston, TX	Safety Zones (Parts 147 and 165)	8/27/2007
COTP Houston-Galveston-07-020	Galveston, TX	Safety Zones (Parts 147 and 165)	9/21/2007
COTP Houston-Galveston-07-024	Galveston, TX	Safety Zones (Parts 147 and 165)	10/30/2007
COTP Houston-Galveston-07-025	Galveston, TX	Safety Zones (Parts 147 and 165)	11/9/2007
COTP Houston-Galveston-07-027	Galveston, TX	Safety Zones (Parts 147 and 165)	11/28/2007
COTP Houston-Galveston-07-028	Sargent, TX	Safety Zones (Parts 147 and 165)	11/28/2007
COTP Houston-Galveston-08-001	Galveston, TX	Safety Zones (Parts 147 and 165)	1/5/2008
COTP Houston-Galveston-08-002	Galveston, TX	Safety Zones (Parts 147 and 165)	1/11/2008
COTP Houston-Galveston-08-003	Galveston, TX	Safety Zones (Parts 147 and 165)	1/16/2008
COTP Houston-Galveston-08-004	Galveston, TX	Safety Zones (Parts 147 and 165)	1/23/2008
COTP Houston-Galveston-08-005	Galveston, TX	Safety Zones (Parts 147 and 165)	1/25/2008
COTP Houston-Galveston-08-006	Galveston, TX	Safety Zones (Parts 147 and 165)	2/6/2008
COTP Houston-Galveston-08-007	Galveston, TX	Safety Zones (Parts 147 and 165)	2/10/2008
COTP Houston-Galveston-08-008	Galveston, TX	Safety Zones (Parts 147 and 165)	2/19/2008
COTP Houston-Galveston-08-009	Galveston, TX	Safety Zones (Parts 147 and 165)	2/28/2008
COTP Houston-Galveston-08-010	Galveston, TX	Safety Zones (Parts 147 and 165)	3/11/2008
COTP Houston-Galveston-08-010	Galveston, TX	Safety Zones (Parts 147 and 165)	3/13/2008
COTP Houston-Galveston-08-013	Galveston, TX	Safety Zones (Parts 147 and 165)	3/21/2008
COTP Houston-Galveston-08-014	Galveston, TX	Safety Zones (Parts 147 and 165)	3/27/2008

COTP Houston-Galveston-08-015	Galveston, TX	Safety Zones (Parts 147 and 165)	4/18/2008
COTP Houston-Galveston-08-016	Galveston, TX	Safety Zones (Parts 147 and 165)	4/22/2008
COTP Houston-Galveston-08-017	Rollover Bay, TX	Safety Zones (Parts 147 and 165)	5/28/2008
COTP Houston-Galveston-08-018	Galveston, TX	Safety Zones (Parts 147 and 165)	6/4/2008
COTP Houston-Galveston-08-019	Galveston, TX	Safety Zones (Parts 147 and 165)	6/16/2008
COTP Lower Mississippi River 08-010	Memphis, TN	Safety Zones (Parts 147 and 165)	10/11/2008
COTP Lower Mississippi River 08-019	Memphis, TN	Safety Zones (Parts 147 and 165)	11/26/2008
COTP Lower Mississippi River-08-011	Memphis, TN	Safety Zones (Parts 147 and 165)	10/20/2008
COTP Lower Mississippi River-08-012	Memphis, TN	Safety Zones (Parts 147 and 165)	10/29/2008
COTP Lower Mississippi River-08-020	Greenville, MS	Safety Zones (Parts 147 and 165)	12/12/2008
COTP Mobile-08-008	Chattahoochee, FL	Safety Zones (Parts 147 and 165)	4/19/2008
COTP Morgan City-07-009	New Iberia, LA	Safety Zones (Parts 147 and 165)	9/10/2007
COTP Morgan City-07-017	New Iberia, LA	Safety Zones (Parts 147 and 165)	10/22/2007
COTP Morgan City-08-002	Morgan City, LA	Safety Zones (Parts 147 and 165)	1/27/2008
COTP Morgan City-08-006	Morgan City, LA	Safety Zones (Parts 147 and 165)	4/18/2008
COTP New Orleans-07-012	New Orleans, LA	Safety Zones (Parts 147 and 165)	7/3/2007
COTP New Orleans-07-013	Donaldsonville, LA	Safety Zones (Parts 147 and 165)	7/3/2007
COTP New Orleans-07-016	Harvey, LA	Safety Zones (Parts 147 and 165)	7/4/2007
COTP New Orleans-07-017	Baton Rouge, LA	Safety Zones (Parts 147 and 165)	7/4/2007
COTP New Orleans-07-018	Baton Rouge, LA	Safety Zones (Parts 147 and 165)	7/4/2007
COTP New Orleans-08-012	Jefferson Parish, LA	Safety Zones (Parts 147 and 165)	3/18/2008
COTP Ohio Valley-07-045	Troy, IN	Safety Zones (Parts 147 and 165)	9/25/2007
COTP Ohio Valley-08-001	Parkersburg, WV	Safety Zones (Parts 147 and 165)	5/17/2008
COTP Ohio Valley-08-002	Pickwick, TN	Safety Zones (Parts 147 and 165)	5/4/2008
COTP Ohio Valley-08-003	Charleston, WV	Safety Zones (Parts 147 and 165)	4/26/2008
COTP Ohio Valley-08-004	Louisville, KY	Safety Zones (Parts 147 and 165)	4/11/2008
COTP Ohio Valley-08-005	J. T. Myers Locke and Dam, IN	Safety Zones (Parts 147 and 165)	3/22/2008
COTP Ohio Valley-08-006	Louisville, KY	Safety Zones (Parts 147 and 165)	4/12/2008
COTP Ohio Valley-08-008	Louisville, KY	Safety Zones (Parts 147 and 165)	5/7/2008
COTP Ohio Valley-08-009	Louisville, KY	Safety Zones (Parts 147 and 165)	5/24/2008
COTP Port Arthur-07-014	Orange, TX	Safety Zones (Parts 147 and 165)	9/20/2007
COTP Port Arthur-07-015	Orange, TX	Safety Zones (Parts 147 and 165)	11/1/2007

COTP Port Arthur-08-001	Orange, TX	Safety Zones (Parts 147 and 165)	1/9/2008
COTP Port Arthur-08-002	Port Arthur, TX	Safety Zones (Parts 147 and 165)	1/30/2008
COTP Port Arthur-08-003	Sabine, TX	Safety Zones (Parts 147 and 165)	2/5/2008
COTP Port Arthur-08-004	Port Arthur, TX	Safety Zones (Parts 147 and 165)	2/23/2008
COTP Port Arthur-08-005	Port Arthur, TX	Safety Zones (Parts 147 and 165)	3/5/2008
COTP Port Arthur-08-008	Port Arthur, TX	Safety Zones (Parts 147 and 165)	4/1/2008
COTP Port Arthur-08-009	Port Arthur, TX	Safety Zones (Parts 147 and 165)	4/23/2008
COTP Port Arthur-08-011	Port Arthur, TX	Safety Zones (Parts 147 and 165)	5/6/2008
COTP Port Arthur-08-014	Sabine, TX	Safety Zones (Parts 147 and 165)	6/22/2008
COTP Port Arthur-08-015	Sabine, TX	Safety Zones (Parts 147 and 165)	6/24/2008
COTP Upper Mississippi River-07-036	Louis, MO	Safety Zones (Parts 147 and 165)	10/6/2007
COTP Upper Mississippi River-08-001	St. Louis, MO	Safety Zones (Parts 147 and 165)	1/26/2008
COTP Upper Mississippi River-08-004	Louis, MO	Safety Zones (Parts 147 and 165)	7/4/2008
COTP Upper Mississippi River-08-006	Louis, MO	Safety Zones (Parts 147 and 165)	6/15/2008
COTP Upper Mississippi River-08-007	Louis, MO	Safety Zones (Parts 147 and 165)	7/12/2008
COTP Upper Mississippi River-08-008	Louis, MO	Safety Zones (Parts 147 and 165)	7/4/2008
COTP Upper Mississippi River-08-014	Louis, MO	Safety Zones (Parts 147 and 165)	7/2/2008
COTP Upper Mississippi River-08-020	Louis, MO	Safety Zones (Parts 147 and 165)	7/19/2008
COTP Upper Mississippi River-08-036	Louis, MO	Safety Zones (Parts 147 and 165)	10/5/2008
COTP Upper Mississippi River-08-09	Louis, MO	Safety Zones (Parts 147 and 165)	8/31/2008
COTP Upper Mississippi River-08-10	Louis, MO	Safety Zones (Parts 147 and 165)	7/4/2008
COTP Upper Mississippi River-08-11	Louis, MO	Safety Zones (Parts 147 and 165)	5/25/2008
COTP Upper Mississippi River-08-12	Louis, MO	Safety Zones (Parts 147 and 165)	7/4/2008
COTP Upper Mississippi River-08-13	Louis, MO	Safety Zones (Parts 147 and 165)	5/25/2008
COTP Upper Mississippi River-08-40	Louis, MO	Safety Zones (Parts 147 and 165)	12/5/2008
COTP Upper Mississippi River-08-41	Louis, MO	Safety Zones (Parts 147 and 165)	12/7/2008
USCG-2008-0518	Cincinnati, OH	Safety Zones (Parts 147 and 165)	7/12/2008
USCG-2008-0528	Saint Albans, WV	Safety Zones (Parts 147 and 165)	6/28/2008
USCG-2008-0567	Kingston, TN	Safety Zones (Parts 147 and 165)	7/4/2008
USCG-2008-0577	Charleston, WV	Safety Zones (Parts 147 and 165)	6/22/2008
USCG-2008-0767	Cincinnati, OH	Safety Zones (Parts 147 and 165)	7/27/2008
USCG-2008-0797	Nashville, TN	Safety Zones (Parts 147 and 165)	8/23/2008

USCG-2008-0868	Louisville, KY	Safety Zones (Parts 147 and 165)	8/29/2008
USCG-2008-0980	Charleston, WV	Safety Zones (Parts 147 and 165)	10/4/2008
USCG-2008-0994	Ohio Valley, OH	Safety Zones (Parts 147 and 165)	9/16/2008
USCG-2008-1025	Galveston, TX	Safety Zones (Parts 147 and 165)	10/2/2008
USCG-2008-1027	Galveston, TX	Safety Zones (Parts 147 and 165)	10/3/2008
USCG-2008-1047	Memphis, TN	Safety Zones (Parts 147 and 165)	10/11/2008
USCG-2008-1160	Monroe, LA	Safety Zones (Parts 147 and 165)	12/6/2008
USCG-2008-1269	Orange, TX	Safety Zones (Parts 147 and 165)	1/7/2009
USCG-2008-1271	Chattanooga, TN	Safety Zones (Parts 147 and 165)	1/9/2009
USCG-2009-0012	Hull, MA	Special Local Regulations (Part 100)	2/1/2008

[FR Doc. E9–18510 Filed 8–3–09; 8:45 am]

BILLING CODE 4910–15–C

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0631]

RIN 1625–AA00

Safety Zone; Hornblower Cruises Fleet Week Fireworks Display, San Francisco Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of San Francisco Bay near San Francisco, CA in support of a Fleet Week fireworks display. This safety zone is necessary to ensure the safety of participants and spectators from the dangers associated with the pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zones without permission of the Captain of the Port or his designated representative.

DATES: This rule is effective from 8:45 a.m. through 10 p.m., each day, on October 9 and 10, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0631 and are available online by going to *http://www.regulations.gov*, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0631 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. 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 temporary rule, call Lieutenant Junior Grade Christopher Hartley, U.S. Coast Guard Sector San Francisco, at (415) 399–7436, or at *Christopher.A.Hartley@uscg.mil*. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory 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) with respect to this rule because the event would occur before the rulemaking process would be completed. Because of the dangers posed by the pyrotechnics used in these fireworks displays, the safety zones are necessary to provide for the safety of event participants, spectators, spectator craft, and other vessels transiting the event area.

For the same reasons, the Coast Guard also finds under 5 U.S.C. 553(d)(3) that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register.** Any delay in the effective date of this rule would expose members of the public to the dangers posed by the pyrotechnics used in the fireworks display.

Background and Purpose

Hornblower Cruises will sponsor a Fleet Week fireworks display on October 9 and 10, 2009 on the navigable waters of San Francisco Bay, CA. The fireworks displays are meant for entertainment purposes. This safety zone establishes temporary restricted areas on the waters surrounding the fireworks launch sites during loading of the pyrotechnics and during the fireworks displays. These restricted areas around the launch sites are necessary to protect spectators, vessels, and other property from the hazards associated with the pyrotechnics on the fireworks barges. The Coast Guard has granted the event sponsor a marine event permit for the fireworks displays.

Discussion of Rule

During the setup of the fireworks and until the start of the fireworks displays, the temporary safety zone will be enforced within a radius of 100 feet around the fireworks sites. From 9:30 p.m. until 9:50 p.m., the temporary safety zone will be enforced within a radius of 1,000 feet around the fireworks launch sites.

The effect of the temporary safety zones will be to restrict navigation in the vicinity of the fireworks sites while the fireworks are set up, and until the conclusion of the scheduled displays. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep spectators and vessels a safe distance away from the fireworks barges to ensure the safety of participants, spectators, and transiting vessels.

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.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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.

Although this rule restricts access to the waters encompassed by the safety zones, the effect of this rule will not be significant because of the small size and short duration of the zone. Additionally, local waterway users will be able to pass safely around the zone, and will be notified via public Broadcast Notice to Mariners to ensure the zone will result in minimum impact.

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 will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entitites, some of which are small entities: The owners and operators of pleasure craft engaged in recreational activities and sightseeing. This rule will not have a significant economic impact on a substantial number of small entities for several reasons: (1) Vessel traffic can pass safely around the area; (2) vessels engaged in recreational activities and