

SEC RELEASE No. 34-26986 (June 28, 1989): Amendment of Authority to Grant Exemptions from Rule 15c2-12

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Rel. No. 34-26986]

Delegation of Authority to the Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its Rules of Practice to delegate authority to the Director of the Division of Market Regulation to grant exemptions from Rule 15c2-12 under the Securities Exchange Act of 1934 pursuant to paragraph (d) of that Rule.

EFFECTIVE DATE: July 10, 1989.

FOR FURTHER INFORMATION CONTACT: Robert L.D. Colby, Esq., Chief Counsel, or Edward L. Pittman Esq., Assistant Chief Counsel (202-272-2848), Division of Market Regulation, Mail Stop 5-1, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced an amendment to its Rules of Practice governing Delegation of Authority to the Director of the Division of Market Regulation (17 CFR 200.30-3). The amendment adds to Rule 30-3, new paragraph (a)(48), authorizing the Director of the Division of Market Regulation to grant exemptions, where appropriate, pursuant to paragraph (d) of Rule 15c2-12 under the Securities Exchange Act of 1934 (17 CFR 240.15c2-12), which the Commission adopted on June 28, 1989.¹

Paragraph (d) of Rule 15c2-12 provides that:

The Commission, upon written request, or upon its own motion, may exempt any Participating Underwriter that is a participant in a transaction or class of transactions from any requirement of this rule, either unconditionally or on specified terms and conditions, if the Commission determines that such an exemption is consistent with the public interest and the

protection of investors.

The delegation of authority is intended to conserve Commission resources by permitting the staff to accommodate requests on a more expedited basis. Nevertheless, the staff may submit matters to the Commission for consideration as it deems appropriate. Moreover, in light of the exemptions already present in Rule 15c2-12, and the fact that the Rule codifies, to a great degree, responsible industry practice, the Commission does not expect that exemptions will be routinely granted. Requests for exemptive relief should be addressed to the Chief Counsel, Division of Market Regulation, Mail Stop 5-1, Securities and Exchange Commission, Washington, DC 20549.

The Commission finds, in accordance with section 553(b)(A) of the Administrative Procedure Act,² that this amendment relates solely to agency organization, procedure, or practice, and does not relate to a substantive rule. Accordingly, notice, opportunity for public comment, and publication of the amendment prior to its effective date are unnecessary.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Securities.

Text of Amendment

The Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations as follows:

PART 200--ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart A--Organization and Program Management

1. The authority citation for Part 200, Subpart A, continues to read in part as follows:

Authority: Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855, 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11
* * *

2. Title 17 CFR 200.30-3 is amended by adding new paragraph (a)(48) to read as follows:

¹ Securities Exchange Act Release No. 26985 (June 28, 1989).

² 5 U.S.C. 553(b)(A).

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

(a)

(48) Pursuant to paragraph (d) of Rule 15c2-12 (17 CFR 15c2-12), to grant or deny exemptions, either unconditionally or on specified terms and conditions, from Rule 15c2-12.

* * * * *

By the Commission.

Dated: June 28, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-16040 Filed 7-7-89; 8:45 am]