

| Latitude          | Longitude                                   |
|-------------------|---|
| 41°15'36" N ..... | 072°13'36" W; thence to                     |
| 41°16'18" N ..... | 072°10'24" W; thence to                     |
| 41°15'24" N ..... | 072°10'06" W; thence to                     |
| 41°14'42" N ..... | 072°13'12" W; returning to point of origin. |

(5) *Northport Anchorage Ground.* That portion of Long Island Sound enclosed by a line connecting the following points:

| Latitude          | Longitude                                   |
|-------------------|---|
| 40°58'48" N ..... | 073°16'30" W; thence to                     |
| 40°57'42" N ..... | 073°11'42" W; thence to                     |
| 40°56'30" N ..... | 073°13'30" W; thence to                     |
| 40°57'36" N ..... | 073°18'12" W; returning to point of origin. |

(6) *Port Jefferson Anchorage Ground.* That portion of Long Island Sound enclosed by a line connecting the following points:

| Latitude          | Longitude                                   |
|-------------------|---|
| 41°01'48" N ..... | 073°04'54" W; thence to                     |
| 41°01'48" N ..... | 073°00'00" W; thence to                     |
| 41°00'18" N ..... | 073°00'00" W; thence to                     |
| 41°00'18" N ..... | 073°04'54" W; returning to point of origin. |

(7) *Riverhead Anchorage Ground.* That portion of Long Island Sound enclosed by a line connecting the following points:

| Latitude          | Longitude                                   |
|-------------------|---|
| 41°03'00" N ..... | 072°42'00" W; thence to                     |
| 41°04'00" N ..... | 072°36'00" W; thence to                     |
| 41°02'00" N ..... | 072°35'24" W; thence to                     |
| 41°01'24" N ..... | 072°41'24" W; returning to point of origin. |

All coordinates referenced use datum: NAD 83.

(b) *General regulations.* (1) These anchorages are designated for general purposes, but are intended primarily for use by commercial vessels of 300 gross tons and greater and all tank vessels including tank barges. Except in cases of emergencies, commercial vessels of 300 gross tons and greater and all tank vessels, including tank barges anchoring in the Captain of the Port Long Island Sound Zone inside the line of demarcation, shall anchor in the anchorage grounds described above.

(2) Prior to entering the anchorage area, all vessels shall notify the Coast Guard Captain of the Port via VHF-FM Channel 16.

(3) In anchorages where lightering and bunkering operations are authorized, the Captain of the Port must be notified at least four hours in advance of a vessel conducting lightering or bunkering operations, as required by § 156.118 of

this title. In addition, all lightering and bunkering operations must be done in accordance with § 156.120 of this title.

(4) Within an anchorage, fishing and navigation are prohibited within 500 yards of an anchored vessel that is carrying petroleum or other flammable cargo, or that is conducting bunkering or lightering operations. Such anchored vessels are readily identified as they are required to display a red flag by day or a red light at night in addition to the required navigation lights and shapes.

(5) Except as otherwise provided, a vessel may not occupy an anchorage for more than 30 days, unless the vessel obtains permission from the Captain of the Port.

(6) If a request is made for the long-term lay up of a vessel, the Captain of the Port may establish special conditions with which the vessel must comply in order for such a request to be approved.

(7) The Captain of the Port may prescribe specific conditions for vessels anchoring within the zones described in this section, pursuant to 33 CFR 109.05. These conditions may include, but are not limited to: The number and location of anchors; scope of chain; readiness of the engineering plant and equipment; use of tugs; and requirements for maintaining communication guards on selected radio frequencies.

(8) No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage, except in cases where unforeseen circumstances create conditions of imminent peril to personnel, and then only for such period as may be authorized by the Captain of the Port.

(9) All vessels anchored within the designated anchorage areas shall comply with the regulations found in 33 CFR 164.19 and shall maintain a continuous bridge watch by a licensed deck officer proficient in English, monitoring VHF-FM Channel 16. This individual shall confirm that the ship's crew performs frequent checks of the vessel's position to ensure the vessel is not dragging anchor.

(10) Anchors shall be placed well within the anchorage areas so that no portion of the hull or rigging will at any time extend outside of the anchorage area.

(11) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety and security.

(12) Any vessel anchored in these areas must be capable of getting

underway if ordered by the Captain of the Port and must do so within 2 hours, if a vessel will not be able to get underway within 2 hours of notification, permission must be requested by the Captain of the Port to remain in the anchorage. No vessel shall anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without prior approval of the Captain of the Port.

(13) Fixed moorings, piles or stakes are prohibited.

(14) Any vessel conducting lightering or bunkering operations shall display by day a red flag (Bravo flag) at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night a red light in the same position specified for the flag. These signals shall be in addition to day signals, lights and whistle signals required to be shown or sounded by all vessels when at anchor in a general anchorage.

Dated: 27 May 2009.

**Dale G. Gabel,**

*Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.*

[FR Doc. E9-13884 Filed 6-11-09; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2009-0359]

RIN 1625-AA00

#### Safety Zone; Sabine River, Orange, TX

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone on September 19 and 20, 2009 for a portion of the Sabine River, shoreline to shoreline, adjacent to the Naval Reserve Center and the Orange public boat ramps located in Orange, TX. The northern boundary is from the end of Navy Pier One at 30°05'45" N 93°43'24" W then easterly to the river's eastern shore. The southern boundary is a line shoreline to shoreline at latitude 30°05'33" N. This safety zone is needed to protect spectators and vessels from potential safety hazards associated with a high speed boat race. With the exception of participating vessels and patrol craft, entry into this zone is prohibited unless specifically authorized by the Captain of the Port, Port Arthur, or a designated representative.

**DATES:** Comments and related material must reach the Coast Guard on or before July 13, 2009.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number USCG–2009–0359 using 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.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Scott Whalen, Marine Safety Unit Port Arthur, telephone (409) 719–5086 or e-mail [scott.k.whelen@uscg.mil](mailto:scott.k.whelen@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:**

**Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

*Submitting Comments*

If you submit a comment, please include the docket number for this rulemaking (USCG–2009–0359), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via [www.regulations.gov](http://www.regulations.gov), it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be

considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, select the Advanced Docket Search option on the right side of the screen, insert “USCG–2009–0359” in the Docket ID box, press Enter, and then click on the balloon shape in the Actions column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

*Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, select the Advanced Docket Search option on the right side of the screen, insert USCG–2009–0359 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

**Privacy Act**

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

**Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this

rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

The City of Orange is sponsoring high speed boat races on the Sabine River in Orange, TX on September 19 and September 20, 2009. Race boats will be traveling at a very high rate of speed and at times may not be able to stop or avoid a collision if spectator or other vessels are operating in close proximity to the race course. The proposed safety zone is needed to protect the race boats, persons and spectators from the potential safety hazards associated with high speed boat races.

**Discussion of Proposed Rule**

The Coast Guard proposes to establish a temporary safety zone for a portion of the Sabine River, shoreline to shoreline, adjacent to the Naval Reserve Center and the Orange public boat ramps located in Orange, TX. The northern boundary is from the end of Navy Pier One at 30°05'45" N 93°43'24" W then easterly to the river's eastern shore. The southern boundary is a line shoreline to shoreline at latitude 30°05'33" N.

All vessels except event participants and patrol craft are prohibited from entering the safety zone unless authorized by the Captain of the Port, Port Arthur or his designated representative. For authorization to enter the proposed safety zone, vessels can contact the Captain of the Port's on scene representative on VHF Channel 16 or Vessel Traffic Service Port Arthur on VHF Channel 65A, by telephone at (409) 719–5070, or by facsimile at (409) 719–5090.

**Regulatory Analysis**

We developed this proposed 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 proposed 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.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. The basis of this finding is that the safety zone will only be in effect for 10 hours each day and notifications

to the marine community will be made through broadcast notice to mariners and Marine Safety Information Bulletin. During non-enforcement hours all vessels will be allowed to transit through the safety zone without permission of the Captain of the Port, Port Arthur or a designated representative. Additionally, breaks will be provided to allow waiting vessels to transit safely through the safety zone. The impacts on routine navigation are expected to be minimal.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons: (1) This rule will only be enforced from 9 a.m. until 6 p.m. each day that it is effective; (2) during non-enforcement hours all vessels will be allowed to transit through the safety zone without having to obtain permission from the Captain of the Port, Port Arthur or a designated representative; and (3) vessels will be allowed to pass through the zone with permission of the Coast Guard Patrol Commander during scheduled break periods between races and at other times when permitted by the Coast Guard Patrol Commander.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed 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.

#### 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 proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small

business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Scott Whalen at (409) 719–5086. 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.

#### Collection of Information

This proposed 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 proposed 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 proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed 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.

#### Civil Justice Reform

This proposed 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 proposed 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.

#### Indian Tribal Governments

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

#### Energy Effects

We have analyzed this proposed 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.

#### 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 proposed rule would not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, 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. A preliminary environmental analysis checklist supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves establishing a temporary safety zone. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed 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 proposes to amend 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. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add new temporary § 165.T08–0359 to read as follows:

#### § 165.T08–0359 Safety Zone; Sabine River, Orange, TX.

(a) *Definitions.* As used in this section Participant Vessel means all vessels officially registered with event officials to race or work in the event. These vessels include race boats, rescue boats, tow boats, and picket boats associated with the race.

(b) *Location.* The following area is a safety zone: all waters of the Sabine River, shoreline to shoreline, adjacent to the Naval Reserve Unit and the Orange public boat ramps located in Orange, TX. The northern boundary is from the end of Navy Pier One at 30°05'45" N 93°43'24" W then easterly to the river's eastern shore. The southern boundary is a line shoreline to shoreline at latitude 30°05'33" N.

(c) *Effective date.* This rule is effective from 9 a.m. on September 19, 2009 until 6 p.m. on September 20, 2009.

(d) *Periods of Enforcement.* This rule will be enforced from 9 a.m. until 6 p.m. on September 19, 2009 and 9 a.m. until 6 p.m. on September 20, 2009. The Captain of the Port, Port Arthur will inform the public through broadcast notice to mariners of the enforcement periods for the safety zone.

(e) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited to all vessels except participant vessels and those vessels specifically authorized by the Captain of the Port, Port Arthur or a designated representative.

(2) Persons or vessels requiring entry into or passage through must request permission from the Captain of the Port, Port Arthur, or a designated representative. They may be contacted on VHF Channel 13 or 16, or by telephone at (409) 723–6500.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port, Port Arthur, designated representatives and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: May 5, 2009.

J.J. Plunkett,

*Captain, U.S. Coast Guard, Captain of the Port, Port Arthur.*

[FR Doc. E9–13775 Filed 6–11–09; 8:45 am]

**BILLING CODE 4910–15–P**

#### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

#### 36 CFR Part 1253

RIN 3095–AB61

#### NARA Facility Locations and Hours

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Proposed rule.

**SUMMARY:** NARA proposes to change the hours open to the public for our Kansas City, Missouri, and New York City regional archives. The Kansas City regional archives relocated on March 17, 2009, to the Union Station Complex at 400 West Pershing Road, Kansas City, Missouri. NARA is also proposing to shift the hours open to the public at the New York City regional archives to better serve the public for the range of hours covering the majority of visits. This proposed rule will affect the public.

**DATES:** Submit comments on or before August 11, 2009.

**ADDRESSES:** NARA invites interested persons to submit comments on this proposed rule. Please include “Attn: 3095–AB61” and your name and mailing address in your comments. Comments may be submitted by any of the following methods:

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the

online instructions for submitting comments.

• *Fax:* Submit comments by facsimile transmission to 301–837–0319.

• *Mail:* Send comments to Regulations Comments Desk (NPOL), Room 4100, Policy and Planning Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

• *Hand Delivery or Courier:* Deliver comments to 8601 Adelphi Road, College Park, MD.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Davis Heaps at 301–837–1801.

**SUPPLEMENTARY INFORMATION:** The location of NARA's Kansas City regional archives has changed. This document proposes to update 36 CFR Part 1253 with the new location information. Also, NARA proposes a change of hours for our Kansas City location and existing New York City location.

#### Kansas City, MO

NARA published a notice in the **Federal Register** on October 20, 2008 (73 FR 62340), announcing a temporary change in hours for our Kansas City regional archives to prepare for the move to the location covered in this proposed rule. On March 17, 2009, the Kansas City regional archives relocated to the Union Station Complex at 400 West Pershing Road, Kansas City, Missouri. We are proposing to revise 36 CFR 1253.7(c) to include the new address for that regional archives, as well as the new research room hours, 8 a.m.–4 p.m., Tuesday–Saturday. These hours correspond with public hours for other institutions in the Union Station/Crossroads cultural district, including the Kansas City Museum at Union Station and the National World War I Museum.

Other hours at the new Kansas City location are as follows:

• *Exhibits Galleries:* 9 a.m.–5 p.m., Tuesday–Saturday.

• *Administration and Records Management Services to Federal Agencies:* 8 a.m.–4:30 p.m., Monday–Friday.

• *Kansas City Store at the National Archives:* 10 a.m.–4 p.m., Tuesday–Saturday.

These hours, while not proposed for inclusion in § 1253.7(c) of this part, will be available on NARA's Web site, <http://www.archives.gov>.

#### New York, NY

NARA is also proposing to shift the hours open to the public at the New York City regional archives to better serve patrons for the range of hours the vast majority want to visit. There will be