

payment terms and trade financing not authorized by the general license in paragraph (a) of this section for sales pursuant to § 538.523(a)(1). See § 501.801(b) of this chapter for specific licensing procedures.

\* \* \* \* \*

■ 6. Amend § 538.526 by revising paragraph (a), the introductory text of paragraph (b), and paragraph (b)(2) to read as follows:

**§ 538.526 Brokering sales of agricultural commodities, medicine, and medical devices.**

(a) *General license for brokering sales by U.S. persons.* United States persons are authorized to provide brokerage services on behalf of U.S. persons for the sale and exportation or reexportation by United States persons of agricultural commodities, medicine, and medical devices to the Government of Sudan, to any individual or entity in an area of Sudan other than the Specified Areas of Sudan, or to persons in third countries purchasing specifically for resale to the foregoing, provided that the sale and exportation or reexportation is authorized by a one-year specific license issued pursuant to § 538.523(a)(1).

(b) *Specific licensing for brokering sales by non-U.S. persons of bulk agricultural commodities.* Specific licenses may be issued on a case-by-case basis to permit United States persons to provide brokerage services on behalf of non-United States, non-Sudanese persons for the sale and exportation or reexportation of bulk agricultural commodities to the Government of Sudan, to any individual or entity in an area of Sudan other than the Specified Areas of Sudan, or to persons in third countries purchasing specifically for resale to the foregoing. Specific licenses issued pursuant to this section will authorize the brokering only of sales that:

\* \* \* \* \*

(2) Are to purchasers permitted pursuant to § 538.523(a)(1); and

\* \* \* \* \*

Dated: September 1, 2009.

**Adam J. Szubin,**  
 Director, Office of Foreign Assets Control.  
 [FR Doc. E9-21553 Filed 9-8-09; 8:45 am]

BILLING CODE 4811-45-P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[Docket No. USCG-2009-0749]

RIN 1625-AA08

**Special Local Regulation for Marine Events; Choptank River, Cambridge, MD**

**AGENCY:** Coast Guard, DHS.  
**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily suspending the existing enforcement period of a special local regulation for a recurring marine event in the Fifth Coast Guard District and adding a temporary enforcement period. This regulation applies to only one recurring marine event, the “Cambridge Offshore Challenge” power boat race. A special local regulation is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the Choptank River, MD, during the event.

**DATES:** In the Table to 33 CFR 100.501, the suspension of line No. 27 is effective from September 9, 2009 to September 30, 2009; and the addition of line No. 64 is effective from 9 a.m. to 6 p.m., on September 19, 2009, and from 9 a.m. to 6 p.m., on September 20, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0749 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0749 in the “Keyword” box, and then clicking “Search.” 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 or e-mail Dennis Sens, Project Manager, Fifth Coast Guard District, Prevention Division, at 757-398-6204 or e-mail at [Dennis.M.Sens@uscg.mil](mailto:Dennis.M.Sens@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 immediate action is needed to minimize potential danger to the public during the event. The potential dangers posed by a high speed power boat race conducted on the waterway with other vessel traffic makes a special local regulation necessary to provide for the safety of participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have this regulation in effect during the event. The Coast Guard will issue broadcast notice to mariners to advise vessel operators of navigational restrictions. On scene Coast Guard and local law enforcement vessels will also provide actual notice to mariners.

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**. The potential dangers posed by boat races operating in close proximity to transiting vessels make special local regulation necessary. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of the event participants, patrol vessels, spectator craft and other vessels transiting the event area. However, the Coast Guard will provide advance notifications to users of the effected waterways via marine information broadcasts, local notice to mariners, commercial radio stations and area newspapers.

**Background and Purpose**

Marine events are frequently held on the navigable waters within the boundary of the Fifth Coast Guard District. The on water activities that typically comprise marine events include sailing regattas, power boat races, swim races and holiday parades. For a description of the geographical area of each Coast Guard Sector—Captain of the Port Zone, please see 33 CFR 3.25.

This regulation temporarily suspends the enforcement period of a special local regulation for a recurring marine event within the Fifth Coast Guard District and temporarily adds a new

enforcement period. This regulation applies to one marine event in 33 CFR 100.501, Table to § 100.501.

Annually, the Chesapeake Bay Powerboat Association sponsors the "Cambridge Offshore Challenge", on the waters of the Choptank River at Cambridge, Maryland. The event consists of approximately 50 offshore power boats conducting high-speed competitive races between the Route 50 Bridge and Oystershell Point, MD. A fleet of spectator vessels is anticipated. The regulation at 33 CFR 100.501 is effective annually for the Cambridge Offshore Challenge marine event. The table to § 100.501, event No. 27 establishes the enforcement date for this marine event. This regulation temporarily suspends the enforcement date of "September 4th or last Saturday and Sunday" and temporarily adds the enforcement date of the third Saturday and Sunday in September, holding the marine event on September 19 and 20, 2009. The Chesapeake Bay Powerboat Association who is the sponsor for this event intends to hold this event annually; however, they have changed the date of the event for 2009 so that it is outside the scope of the existing enforcement period. A fleet of spectator vessels is anticipated to gather nearby to view the competition. Due to the need for vessel control during the power boat races, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels. Under provisions of 33 CFR 100.501, from 9 a.m. to 6 p.m. on September 19–20, 2009, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

#### Discussion of Rule

The Coast Guard will temporarily suspend the regulation at 33 CFR 100.501 by changing the date of enforcement in the table to § 100.501 to reflect that the event will be conducted in 2009 on the third Saturday and Sunday in September, September 19 and 20, 2009. This change is needed to accommodate the sponsor's schedule. The special local regulation will be enforced from 9 a.m. to 6 p.m. on September 19 and 20, 2009, and will restrict general navigation in the regulated area during the marine 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 during the effective period. The regulated area is needed to control vessel traffic during the event to enhance the safety of participants and transiting vessels.

In addition to notice in the **Federal Register**, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, and marine information broadcasts so mariners can adjust their plans accordingly.

#### 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.

This rule prevents traffic from transiting a portion of the Choptank River during specified events. The effect of this regulation 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 marine information broadcasts, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, this rulemaking does not change the permanent regulated areas that have been published in 33 CFR 100.501, Table to § 100.501. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

#### 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 would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the Choptank River where marine

events are being held. This regulation will not have a significant impact on a substantial number of small entities because it will be enforced only during marine events that have been issued a permit by the Coast Guard Captain of the Port. The Captain of the Port will ensure that small entities are able to operate in the areas where events are occurring when it is safe to do so. In some cases, vessels will be able to safely transit around the regulated area at various times, and, with the permission of the Patrol Commander, vessels may transit through the regulated area. Before the enforcement period, the Coast Guard will issue maritime advisories so mariners can adjust their plans accordingly.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the 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). 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 rule calls 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 an 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 create 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 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.

**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.

**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 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 concluded 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 is categorically

excluded, under figure 2–1, paragraph (34)(h), of the Instruction. This rule involves implementation of a regulation within 33 CFR Part 100 that applies to organized marine events on the navigable waters of the United States that may have potential for negative impact on the safety or other interests of waterway users and shore side activities in the event area. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, and sail board racing.

Under figure 2–1, paragraph (34)(h), of the Instruction, an environmental analysis checklist 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.

■ 2. In the Table to § 100.501:

■ a. Suspend line No. 27 from September 9, 2009 to September 30, 2009; and

■ b. From 9 a.m. to 6 p.m., on September 19, 2009, and from 9 a.m. to 6 p.m., on September 20, 2009, add line No. 64.

The addition reads as follows:

**§ 100.501 Special Local Regulations; Marine Events in the Fifth Coast Guard District.**

\* \* \* \* \*

Table To § 100.501.—All coordinates listed in the Table to § 100.501 reference Datum NAD 1983.

**COAST GUARD SECTOR BALTIMORE—COTP ZONE**

Number	Date	Event	Sponsor	Location
64. ....	September 19–20, 2009	Cambridge Offshore Challenge power boat race.	Chesapeake Bay Power Boat Association.	The waters of the Choptank River, near Cambridge, Maryland, from shoreline to shoreline, bounded to the west by the Route 50 Bridge and bounded to the east by a line drawn along longitude 076° W, between Goose Point, MD and Oystershell Point, MD.

Dated: August 19, 2009.

**Wayne E. Justice,**

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

[FR Doc. E9-21562 Filed 9-8-09; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 138

[USCG-2005-21780]

RIN 1625-AA98

#### Financial Responsibility for Water Pollution (Vessels) and OPA 90 Limits of Liability (Vessels and Deepwater Ports)

**AGENCY:** Coast Guard, DHS.

**ACTION:** Announcement of Office of Management and Budget (OMB) approval of collection of information.

**SUMMARY:** The Coast Guard is announcing that the collection of information requirement under 33 CFR 138.85, entitled "Financial Responsibility for Water Pollution (Vessels)," has been approved by OMB under the Paperwork Reduction Act of 1995. The OMB control number is 1625-0046.

**DATES:** The collection of information requirement under 33 CFR 138.85 will be enforced from September 9, 2009.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document contact Mr. Benjamin White, National Pollution Funds Center, Coast Guard, telephone 202-493-6863, e-mail [Benjamin.H.White@uscg.mil](mailto:Benjamin.H.White@uscg.mil). If you have questions on viewing the docket (USCG-2005-21780), call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** On September 17, 2008, the Coast Guard published a final rule entitled "Financial Responsibility for Water Pollution (Vessels) and OPA 90 Limits of Liability (Vessels and Deepwater Ports)" (73 FR 53691) (COFR final rule), amending the Oil Pollution Act of 1990 (OPA 90) financial responsibility requirements, including the information collection requirements under 33 CFR 138.85. With the exception of this collection of information, the COFR final rule became effective on October 17, 2008.

This information collection under 33 CFR 138.85 requires operators of vessels to establish evidence of financial responsibility under OPA 90, 33 U.S.C.

2716, acceptable to the Director, National Pollution Funds Center, in an amount equal to or greater than the total applicable amounts determined under 33 CFR 138.80(f). As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the COFR final rule preamble stated that the Coast Guard would not enforce the collection of information requirements under 33 CFR 138.85 until the collection of information request was approved by OMB, and the Coast Guard published a notice in the **Federal Register** announcing that OMB approved and assigned a control number for the requirement.

The Coast Guard submitted the information collection request under § 138.85 of the COFR final rule to OMB for approval in accordance with the Paperwork Reduction Act of 1995. On July 15, 2009, OMB approved the collection of information and assigned the collection OMB Control Number 1625-0046 entitled "Financial Responsibility for Water Pollution (Vessels), (33 CFR 138.85)." The approval for this collection of information expires on July 31, 2012. A copy of the OMB notice of action is available in our online docket at <http://www.regulations.gov>.

Dated: September 1, 2009.

**Craig A. Bennett,**

*Director, National Pollution Funds Center,  
U.S. Coast Guard.*

[FR Doc. E9-21442 Filed 9-8-09; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2009-0317]

RIN 1625-AA87

#### Security Zone; Calcasieu River, Hackberry, LA

**AGENCY:** Coast Guard, DHS

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone on the waters of the Calcasieu River for the mooring basin at Cameron LNG in Hackberry, LA. The security zone is needed to protect vessels, waterfront facilities, the public, and other surrounding areas from destruction, loss, or injury caused by sabotage, subversive acts, accidents, or other actions of a similar nature. Entering this security zone is prohibited without

permission from the Captain of the Port, Port Arthur or a designated representative.

**DATES:** This rule is effective from September 9, 2009 until November 30, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0317 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0317 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at two locations: 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, and at Coast Guard Marine Safety Unit Port Arthur, 2901 Turtle Creek Dr., Port Arthur, Texas 77642, between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or email LT Clint Smith, Coast Guard Marine Safety Unit Lake Charles; Telephone (337) 491-7819, e-mail [Clint.P.Smith@uscg.mil](mailto:Clint.P.Smith@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 facility will begin operations before a Notice and Comment period could be completed, and delaying the beginning of facility operations is impracticable due to the substantial expense and effort involved, and contrary to the public interest in having this facility operational.

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**