

- (2) U.S. Permanent Resident Card;
- (3) U.S. merchant mariner document;
- (4) U.S. merchant mariner credential;
- (5) Transportation Worker

Identification Credential (TWIC) issued by the Transportation Security Administration under 49 CFR part 1572; or

(6) Seafarer's Identification Document (SID) issued by or under the authority of the government of a country that has ratified the International Labour Organization Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185), meeting all the requirements of ILO 185.

Commercial service means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

Crewmember means all persons carried onboard a vessel to provide: navigation services; maintenance of the vessel, its machinery, or systems; arrangements essential for propulsion or safe navigation; or services for other persons onboard.

Foreign vessel means a vessel of foreign registry or operated under the authority of a country except the United States.

Navigable waters of the United States means the same as this term is defined in 33 CFR 2.36(a). This includes a 12-nautical-mile wide U.S. territorial sea as measured from the baseline, U.S. internal waters subject to tidal influence, and certain U.S. internal waters not subject to tidal influence.

Operator means any person including, but not limited to, an owner, a charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

Passport means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

Port or place of departure means any port or place in which a vessel is anchored or moored.

Port or place of destination means any port or place in which a vessel is bound to anchor or moor.

§ 160.315 Crewmember identification requirement.

(a) A crewmember subject to this subpart must carry and present on demand an acceptable identification. An operator subject to this subpart must ensure that every crewmember on the vessel has an acceptable identification in his or her possession when the vessel is in the navigable waters of the United States. For purposes of this section, a

crewmember may secure his or her acceptable identification with the vessel's master, so long as the identification can be presented on demand.

(b) Compliance with the requirements in this section does not relieve vessel crewmembers and operators of any requirements under the Immigration and Nationality Act (INA) or INA implementing regulations. Likewise, compliance with INA requirements does not relieve vessel crewmembers and operators of the requirements in this section.

§ 160.320 Sanctions and vessel control.

Failure to comply with this subpart will subject the crewmember and operator to a civil penalty under 46 U.S.C. 70119 and the vessel to control under 33 U.S.C. 1223(b).

Dated: April 22, 2009.

Howard L. Hime,

Acting Director of Commercial Regulations and Standards, U.S. Coast Guard.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2009-0179]

RIN 1625-AA00

Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I.

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast is establishing a temporary safety zone on the navigable waters of St. Thomas Harbor in support of the Virgin Islands Carnival Finale fireworks display. This temporary safety zone is necessary to provide for the safety of spectators, participating vessels and their crews, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port (COTP) San Juan or the designated representative.

DATES: This rule is effective from 7 p.m. on May 2, 2009, through 10:30 p.m. on May 2, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0179 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-2009-0179 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 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Mr. John Reyes, Marine Information Specialist, U.S. Coast Guard, Prevention Department telephone 787-729-5381, e-mail John.Reyes@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 information regarding the event was not provided with sufficient time to publish an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to minimize potential danger to the public during the fireworks display.

For the same reasons above, 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 Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction and provide on scene notification.

Background and Purpose

This rule is required to provide for the safety of life in St. Thomas Harbor because fireworks will be launched from a vessel within the harbor. These fireworks could potentially pose a safety hazard to the small craft operators that

frequent the area. To prevent injury or loss of life or property, a safety zone is required to maintain a safe distance between the fireworks vessel and any spectators or other users of the waterway.

Discussion of Rule

This rule establishes a temporary safety zone around the fireworks vessel at a radius determined by the National Fire Protection Agency (NFPA) Standards. The safety zone includes all waters within a 280 yard radius of the fireworks vessel. The fireworks vessel will be anchored in position 18°20'15" N, 064°55'41" W in the vicinity of Kings Wharf Bay inside St. Thomas Harbor. All non-participating persons and vessels are prohibited from entering the safety zone without permission from the COTP San Juan or the designated representative.

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.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is not necessary. This rule will only affect those vessels that would attempt to transit or anchor in that portion of St. Thomas Harbor between the hours of 7 p.m. and 10:30 p.m. Vessel traffic will still be able to flow in and out of Kings Wharf Bay around the limit of the safety zone.

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 will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of St. Thomas Harbor from 7 p.m. to 10:30 p.m. on May 2, 2009. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only 3½ hours at night when vessel traffic is low. Vessel traffic can pass safely around the safety zone. Before the effective periods, we will issue maritime advisories widely available to users of the harbor.

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 0023-01 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)(g), of the Instruction. This rule involves establishing a temporary safety zone and is considered a regulation “establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones” as stated in Paragraph (34)(g).

A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” is available in the docket where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

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

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(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation no. 0170.1.

■ 2. Add § 165.T07-0179 to read as follows:

§ 165.T07-0179 Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I.

(a) *Regulated Area.* The Coast Guard is establishing a temporary safety zone on the navigable waters of St. Thomas Harbor for a fireworks display within the harbor. The safety zone is circular in shape and extends in a 280 yard radius from the launch vessel which will be anchored in position 18°20'15" N, 064°55'41" W in the vicinity of Kings Wharf Bay.

(b) *Definitions.* The following definitions apply to this section: *Designated Representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels and Federal, State, and local officers designated by or assisting the COTP San Juan in the enforcement of the safety zone.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entering, anchoring, mooring or transiting in the Regulated Area is prohibited unless specifically authorized by the Coast Guard COTP San Juan or a designated representative. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction and provide on scene notification.

(d) *Effective Date.* This rule is effective from 7 p.m. on May 2, 2009, through 10:30 p.m. on May 2, 2009.

Dated: April 6, 2009.

J.M. Nunan,

Captain, U.S. Coast Guard, Acting Captain of the Port San Juan.

[FR Doc. E9-9640 Filed 4-27-09; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 200

Organization, Functions, and Procedures; Correction

AGENCY: Forest Service, USDA.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to the final regulation which published in the **Federal Register** of June 19, 1997 (62 FR 33365). The regulations grant the basic authority of the Chief to issue directives concerning Forest Service operations.

DATES: Effective on April 28, 2009.

FOR FURTHER INFORMATION CONTACT: Lorrie Parker, Washington Office, Office of Regulatory and Management Services, (202) 205-6560.

SUPPLEMENTARY INFORMATION:

Background

The final regulations, that are the subject of this correction, were updated to clarify the description of the Forest Service Directive System with respect to the issuance of directives, and includes in section 200.4 paragraph (e) a reference to the alphabetical index of the directives in Forest Service Handbook 1109.11, Directive System User Guide. This Forest Service Handbook was removed entirely from the Forest Service directive system effective May 11, 2001, and the Agency direction moved to Forest Service Handbook 1109.12, Directive System Handbook.

Need for Correction

As published, the final regulations contain incorrect information which may be misleading and need to be clarified.

List of Subjects in 36 CFR Part 200

Administrative practice and procedure, Freedom of information, Organization and functions (Government agencies).

■ Accordingly, 36 CFR Part 200 is corrected by making the following correcting amendments:

PART 200—ORGANIZATION, FUNCTIONS, AND PROCEDURES

■ 1. The authority citation of part 200 continues to read as follows:

Authority: 5 U.S.C. 552; 7 U.S.C. 6706; 16 U.S.C. 472, 521, 1603, and 2101 *et seq.*

Subpart B—Functions and Procedures

■ 2. In § 200.4, revise paragraph (e) to read as follows:

§ 200.4 Administrative issuances.

* * * * *

(e) An alphabetical index of the contents of the Forest Service Manual and related Forest Service Handbooks is published in Forest Service Handbook 1109.12, Directive System Handbook. The index contains a listing of all Series, Titles, and Chapters in the Forest Service Manual and a listing of all Forest Service Handbooks in the Directive System.

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Dated: April 21, 2009.

Charles L. Myers,

Deputy Chief, Business Operations.

[FR Doc. E9-9494 Filed 4-27-09; 8:45 am]

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