

**§ 103.11 Meaning of terms.**

\* \* \* \* \*

(n) \* \* \*  
 (9) An introducing broker in commodities;

(10) A mutual fund.

\* \* \* \* \*

(ccc) *Mutual fund* means an “investment company” (as the term is defined in section 3 of the Investment Company Act (15 U.S.C. 80a–3)) that is an “open-end company” (as that term is defined in section 5 of the Investment Company Act (15 U.S.C. 80a–5)) registered or required to register with the Securities and Exchange Commission under section 8 of the Investment Company Act (15 U.S.C. 80a–8).

**Subpart C—Records Required To Be Maintained**

3. Amend § 103.33 by revising paragraphs (e)(6)(i)(I) and (f)(6)(i)(I) and by adding paragraphs (e)(6)(i)(J) and (f)(6)(i)(J) to read as follows:

**§ 103.33 Records to be made and retained by financial institutions.**

\* \* \* \* \*

(e) \* \* \*

(6) \* \* \*

(i) \* \* \*

(I) A Federal, State or local government agency or instrumentality;  
 or

(J) A mutual fund; and

\* \* \* \* \*

(f) \* \* \*

(6) \* \* \*

(i) \* \* \*

(I) A Federal, State or local government agency or instrumentality;  
 or

(J) A mutual fund; and

\* \* \* \* \*

Dated: June 1, 2009.

**William F. Baity,**

*Acting Director, Financial Crimes Enforcement Network.*

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 110**

[Docket No. USCG–2008–0852]

RIN 1625–AA01

**Disestablishing Special Anchorage Area 2; Ashley River, Charleston, SC**

AGENCY: Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to disestablish the Ashley River Anchorage 2 in Charleston, South Carolina. The removal of the anchorage would accommodate an expansion to the Ripley Light Yacht Club.

**DATES:** Comments and related material must be received by the Coast Guard on or before August 4, 2009. Requests for public meetings must be received by the Coast Guard on or before July 6, 2009.

**ADDRESSES:** You may submit comments identified by docket number USCG–2008–0852 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:** If you have questions on this proposed rule, call or e-mail Lieutenant Julie Miller, Sector Charleston Office of Waterways Management, at (843) 720–3273 or [Julie.E.Miller@uscg.mil](mailto:Julie.E.Miller@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–2008–0852), 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 <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 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–2008–0852” 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–2008–0852 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 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 a public meeting on or before July 6, 2009, using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that a public meeting 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

Ashley River Properties and the Ripley Light Yacht Club submitted a permit with the Army Corps of Engineers to construct additional boat slips at the Ripley Light Yacht Club; however, the expansion would extend into an area currently designated as the Ashley River Anchorage 2. Removal of the anchorage would allow for the expansion to continue. The marina plans to add additional floating dock space to accommodate approximately 200 additional pleasure craft. Ripley Light Yacht Club intends to reserve a portion of the new boat slips for transient recreational boaters. The remaining anchorage, currently designated Ashley River Anchorage 1, remains a viable and convenient location for recreational vessel anchorage.

### Discussion of Proposed Rule

The proposed rule would disestablish the Ashley River Anchorage 2 set forth in 33 CFR 110.72d(b). The planned expansion of the Ripley Light Yacht Club extends into Ashley River Anchorage 2. In order to complete the expansion project, the anchorage must be disestablished.

The proposed rule also would update the name of the marina used in describing the remaining anchorage.

### Regulatory Analyses

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 rule to be so minimal that a full Regulatory Evaluation is unnecessary. The limited geographic area impacted by this disestablishment will not restrict the movement or routine operation of a large number of commercial or recreational vessels in the Ashley River. Furthermore, a second and larger anchorage already exists nearby.

### 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 affect the following entities, some of which might be small entities: the owners or operators of recreational vessels intending to anchor in the Charleston harbor. This rule would not have a significant impact on a substantial number of small entities because the current anchorage is small and cannot accommodate many vessels, there is another nearby location in which small vessels can anchor, and the marina expansion will accommodate at least as many transient vessels as could fit in the current anchorage.

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

Julie Miller, listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed 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 an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This proposed rule would 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 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 does 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 under the Instruction that this action is one of a category of actions that do not individually or cumulatively have a

significant effect on the human environment. This proposed rule involves the disestablishment of a special anchorage area, which is categorically excluded under section 2.B.2 Figure 2-1, paragraph 34(f), of the Instruction. 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 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

### PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

2. Revise section 110.72d to read as follows:

#### § 110.72d Ashley River Anchorage Area, SC.

The following location is a special anchorage area: The waters lying within an area across the Ashley River Channel from the Charleston City Marina bounded by the southwest side of the channel beginning at latitude 32°46'42.7" N, longitude 079°57'19.3" W; thence to latitude 32°46'38.0" N, longitude 079°57'24.0" W; thence to latitude 32°46'32.0" N, longitude 079°57'15.5" W; thence to latitude 32°46'29.0" N, longitude 079°57'00.9" W; thence back to the beginning following the southwest boundary of the Ashley River Channel. All coordinates referenced use datum: NAD 1983.

Dated: May 6, 2009.

#### R.S. Branham,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. E9-13108 Filed 6-4-09; 8:45 am]

#### BILLING CODE P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 51

[EPA-HQ-OAR-2008-0348; FRL-8913-7]

RIN 2060-AO58

### Methods for Measurement of Filterable PM<sub>10</sub> and PM<sub>2.5</sub> and Measurement of Condensable Particulate Matter Emissions From Stationary Sources

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; announcement of reopening of comment period.

**SUMMARY:** EPA is reopening the comment period for the proposed rule entitled "Methods for Measurement of Filterable PM<sub>10</sub> and PM<sub>2.5</sub> and Measurement of Condensable Particulate Matter Emissions From Stationary Sources" that was proposed in the **Federal Register** on March 25, 2009. The 60-day comment period in the proposed rule ended on May 26, 2009. The reopened comment period will close on June 26, 2009. EPA is reopening the comment period because of a request we received in a timely manner.

**DATES:** *Comments:* The comment period for the proposed rule published March 25, 2009 (74 FR 12970), is reopened. Comments must be received on or before June 26, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-HQ-OAR-2008-0348, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

- *E-mail:* Send your comments via electronic mail to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).

- *Fax:* (202) 566-9744.

- *Mail:* Methods for Measurement of Filterable PM<sub>10</sub> and PM<sub>2.5</sub> and Measurement of Condensable Particulate Matter Emissions from Stationary Sources, Environmental Protection Agency, Mailcode 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies.

- *Hand Delivery:* EPA Docket Center EPA Headquarter Library, Room 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460. Such deliveries are accepted only during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OAR-2008-0348. EPA's policy is that all comments