intervals of not more than 2 minutes sound four blasts in succession; namely, one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(e) *Pushing and pushed vessels connected in composite unit.* When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraphs (a) or (b) of this Rule.

(f) *Vessels at anchor.* A vessel at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In a vessel of 100 meters or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession; namely, one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(g) *Vessels aground.* A vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (f) of this Rule and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(h) *Vessels of less than 12 meters in length.* A vessel of less than 12 meters in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.

(i) *Pilot vessels.* A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (f) of this Rule sound an identity signal consisting of four short blasts.

(j) *Vessels anchored in special anchorage areas.* The following vessels shall not be required to sound signals as prescribed in paragraph (f) of this Rule when anchored in a special anchorage area designated by the Secretary:

(1) A vessel of less than 20 meters in length; and

(2) A barge, canal boat, scow, or other nondescript craft.

### § 83.36 Signals to attract attention (Rule 36).

If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these Rules, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel.

### § 83.37 Distress signals (Rule 37).

When a vessel is in distress and requires assistance she shall use or exhibit the signals described in Annex IV to these Rules.

## Subpart E—Exemptions

### § 83.38 Exemptions (Rule 38).

Any vessel or class of vessels, the keel of which is laid or which is at a corresponding stage of construction before December 24, 1980, provided that she complies with the requirements of—

(a) The Act of June 7, 1897, (30 Stat. 96), as amended (33 U.S.C. 154–232) for vessels navigating the waters subject to that statute;

(b) Section 4233 of the Revised Statutes (33 U.S.C. 301–356) for vessels navigating the waters subject to that statute;

(c) The Act of February 8, 1895 (28 Stat. 645), as amended (33 U.S.C. 241–295) for vessels navigating the waters subject to that statute; or

(d) Sections 3, 4, and 5 of the Act of April 25, 1940 (54 Stat. 163), as amended (46 U.S.C. 526b, c, and d) for motorboats navigating the waters subject to that statute; shall be exempted from compliance with the technical Annexes to these Rules as follows:

(1) The installation of lights with ranges prescribed in Rule 22, until 4 years after the effective date of the Inland Navigational Rules Act of 1980 (Pub. L. 96–591), except that vessels of less than 20 meters in length are permanently exempt;

(2) The installation of lights with color specifications as prescribed in Annex I to these Rules, until 4 years after the effective date of the Inland Navigational Rules Act of 1980 (Pub. L. 96–591), except that vessels of less than 20 meters in length are permanently exempt;

(3) The repositioning of lights as a result of conversion to metric units and rounding off measurement figures, are permanently exempt; and

(4) The horizontal repositioning of masthead lights prescribed by Annex I to these Rules:

(i) On vessels of less than 150 meters in length, permanent exemption.

(ii) On vessels of 150 meters or more in length, until 9 years after the effective date of the Inland Navigational Rules Act of 1980 (Pub. L. 96–591).

(5) The restructuring or repositioning of all lights to meet the prescriptions of Annex I to these, until 9 years after the effective date of the Inland Navigational Rules Act of 1980 (Pub. L. 96–591);

(6) Power-driven vessels of 12 meters or more but less than 20 meters in length are permanently exempt from the provisions of Rule 23(a)(1) and 23(a)(4) provided that, in place of these lights, the vessel exhibits a white light aft visible all round the horizon; and

(7) The requirements for sound signal appliances prescribed in Annex III to these Rules, until 9 years after the effective date of the Inland Navigational Rules Act of 1980 (Pub. L. 96–591).

Dated: March 31, 2010.

**Kevin S. Cook,**

*Rear Admiral, U.S. Coast Guard, Director of Prevention Policy.*

[FR Doc. 2010–8532 Filed 4–14–10; 8:45 am]

BILLING CODE 9110–04–P

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

## 36 CFR Parts 1200, 1253, and 1280

**[FDMS Docket NARA–10–0002]**

**RIN 3095–AB66**

## NARA Facility Locations and Hours

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

**ACTION:** Direct final rule.

**SUMMARY:** NARA is amending several of its regulations; the amendments include a change to the naming convention for the regional archives, a new logo for NARA's regional records service office, and the addition of facility information for the locations of two NARA records centers. NARA is changing the naming convention for the regional archives, currently identified in the regulations by a geographic location following the name of the region (*e.g.* NARA-Northeast Region (Boston)). The Office of Regional Records Services has determined that the naming convention "The National Archives at [metropolitan city name]" will better identify to the public the services provided by NARA's regional archives located throughout the U.S. In conjunction with the new naming convention, the NARA headquarters office that administers NARA's regional records services, the Office of the Regional Records Services, has designed a new logo for the headquarters office; each of the regional archives will customize the logo by including their specific city name. The Federal Records Center Program of the Office of the Regional Records Services has also added two facilities to its list of locations. Because this rulemaking is

a direct final rulemaking, the effective date will be the date of publication.

**DATES:** Effective April 15, 2010 without further action, unless adverse comment is received by May 17, 2010. If adverse comment is received, NARA will publish a timely withdrawal of the rule in the **Federal Register.**

**FOR FURTHER INFORMATION CONTACT:** Laura McCarthy at 301–837–3023.

**SUPPLEMENTARY INFORMATION:** NARA is revising several of its regulations; a change to the naming convention for the regional archives, addition of a new logo for the regional archives administered by NARA's Regional Records Service Office, and the addition of facility information for the locations of two NARA records centers.

The regional archives are currently identified in the regulations by a geographic location following the name of the region (*e.g.* NARA-Northeast Region (Boston)). The Office of Regional Records Services has determined that the naming convention "The National Archives at [metropolitan city name]" will better connect the public to the services provided by NARA's regional archives located throughout the U.S. This new name, similar to the name long used for "The National Archives at College Park," will be used on brochures, other outreach materials, and signage for better identification by the public. The names are:

The National Archives at Anchorage;
The National Archives at Atlanta;
The National Archives at Boston;
The National Archives at Chicago;
The National Archives at Denver;
The National Archives at Fort Worth;
The National Archives at Kansas City;
The National Archives at New York;
The National Archives at Philadelphia;
The National Archives at Riverside;
The National Archives at San Francisco;
The National Archives at Seattle;
The National Archives at St. Louis, National Personnel Records Center.

In conjunction with the change to the naming convention for the regional archives, the Office of Regional Records Services has designed a new logo. The new logo for the headquarters staff for the regional archives and corresponding logos for the individual regional archives will provide the visual connection for the public akin to the naming convention.

The regional archives facilities in Boston and Kansas City have modified their hours to increase the public access. The new hours in Boston and Kansas City have been changed on the NARA web site and the revisions to the regulations reflect these changes. The new hours are Monday, Tuesday, Wednesday, Friday, 7 a.m. to 4:30 p.m., Thursday, 7 a.m. to 9 p.m., and some Saturday hours; previously, the facility hours were 8 a.m. to 4:30 p.m., Monday through Friday. The National Archives at Kansas City has changed it hours to provide greater public access, also. The facility is open from 8 a.m. to 4 p.m. for research and the exhibit area is open from 9 a.m. to 5 p.m.

The Federal Records Center Program of the Office of the Regional Records Services has added two facilities to its list of locations. The NARA-Great Lakes Region (Dayton-Miamisburg) has been in operation since February 2003, but was not added to the list of facilities. The second facility, NARA-Great Plains Region (Lenexa), was established in February 2003 and since it began operations, it has received records from the Veterans Administration and other federal agencies; the records center at Lenexa also received records formerly stored at the NARA records center on Bannister Road in Kansas City before its closure.

This rule is effective upon publication for "good" cause as permitted by the Administrative Procedure Act (5 U.S.C. 553(d)(3)). NARA believes that delaying the effective date for 30 days is unnecessary as this rule represents minor technical amendments. NARA also believes a comment period provided by notice of proposed rulemaking (5 U.S.C. 553(b)(B) is unnecessary as there are no changes to the public's ability to access the facilities or changes of services to the public. Moreover, the public benefits immediately with correct addresses and hours for NARA's facilities and any delay in the effective date would be contrary to the public interest. The adoption of the logo for the Office of Regional Records Services, as well as the facility name changes also assists the public in recognizing and locating NARA facilities outside the Washington, DC, area.

This direct final rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget (OMB). As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on a substantial number of small entities because this rule applies to individual researchers. This rule does not have any federalism implications.

**List of Subjects**

*36 CFR Part 1200*

Seals and insignia.

*36 CFR Part 1253*

Archives and records.

*36 CFR Part 1280*

Federal buildings and facilities.

■ For the reasons set forth in the preamble, NARA amends parts 1200, 1253, and 1280 of title 36, Code of Federal Regulations, as follows:

## PART 1200—OFFICIAL SEALS

■ 1. The authority citation for part 1200 continues to read as follow:

**Authority:** 18 U.S.C. 506, 701, and 1017; 44 U.S.C. 2104(e), 2116(b), 2302.

■ 2. Amend § 1200.7 by adding paragraph (a)(9) to read as follows:

### § 1200.7 What are NARA logos and how are they used?

* * * * *

(a) * * *

(9) Regional archives:

(i)

(ii) Each regional archives has the same logo design with the geographic location of the facility added.

* * * * *

## PART 1253—LOCATION OF RECORDS AND HOURS OF USE

■ 3. The authority citation for part 1253 continues to read as follows:

**Authority:** 44 U.S.C. 2104(a).

■ 4. In § 1253.6:
■ a. Remove paragraph (g);
■ b. Redesignate paragraph (f) as (g);
■ c. Redesignate paragraphs (i) through (m) as (j) through (n); and
■ d. Add paragraphs (f) and (i) as follows:

### § 1253.6 Records Centers.

* * * * *

(f) NARA-Great Lakes Region (Dayton-Miamisburg) is located at 8801 Kingsridge Drive, Dayton, OH 45458. The hours are 8:30 a.m. to 5 p.m., Monday through Friday. The telephone number is (937) 425–0601.

(i) NARA-Central Plains Region (Lenexa) is located at 17501 W. 98th Street, Lenexa, KS 66219. The hours are 8 a.m. to 3:30 p.m., Monday through Friday. The telephone number is 913–563–7600.

* * * * *

■ 5. Revise § 1253.7 to read as follows:

### § 1253.7 Regional Archives.

(a) The National Archives at Boston is located in the Frederick C. Murphy Federal Center, 380 Trapelo Rd., Waltham, MA 02452. Hours are Monday, Tuesday, Wednesday, Friday, 7 a.m. to 4:30 p.m., Thursday, 7 a.m. to 9 p.m., and some Saturday hours. The telephone number is 781–663–0130. The National Archives at Boston, Pittsfield Annex is located at 10 Conte Drive, Pittsfield, MA 01201–8230. The hours are 8 a.m. to 4:30 p.m., Monday through Friday. The telephone number is 413–236–3600.

(b) The National Archives at New York City is located at 201 Varick St., New York, NY 10014–4811 (the entrance is on Houston Street between Varick and Hudson). The hours are 9 a.m. to 5 p.m., Monday through Friday, and some Saturday hours. The telephone number is 212–401–1620, and toll-free at 1–866–840–1752.

(c) The National Archives at Philadelphia is located at the Robert N.C. Nix Federal Building, 900 Market St., Philadelphia, PA 19107–4292 (Entrance is on Chestnut Street between 9th and 10th Streets). The hours are 8 a.m. to 5 p.m., Monday through Friday, and some Saturday hours. The telephone number is 215–606–0100.

(d) The National Archives at Atlanta is located at 5780 Jonesboro Road, Morrow, GA 230260. The hours are 8:30 a.m. to 5 p.m., Tuesday through Saturday. The telephone number is 770–968–2100.

(e) The National Archives at Chicago is located at 7358 S. Pulaski Rd., Chicago, IL 60629–5898. The hours are 8 a.m. to 4:15 p.m., Monday through Friday, and some Saturday hours. The telephone number is 773–948–9000.

(f) The National Archives at Kansas City is located at 400 West Pershing Road, Kansas City, MO 64108–4306. The hours are Tuesday through Saturday: Eexhibits: 9 a.m. to 5 p.m.; research rooms: 8 a.m. to 4 p.m. The telephone number is 816–268–8000.

(g) The National Archives at Fort Worth is located at 1400 John Burgess Drive, Fort Worth, TX 76140 (mailing address: P.O. Box 6216, Fort Worth, TX 76115–0216). The hours are 6:30 a.m. to 4 p.m., Monday through Friday. The telephone number is 817–551–2051.

(h) The National Archives at Denver: The Textual Research room is located at Building 48, Denver Federal Center, West 6th Ave. and Kipling Street, Denver, CO. The hours are 7:30 a.m. to 3:45 p.m., Monday through Friday. The telephone number is 303–407–5740. The Microfilm Research room is located at Building 46, Denver Federal Center, West 6th Ave. and Kipling Street, Denver, CO. (The mailing address is: P.O. Box 25307, Denver, CO 80225–0307). The hours are 7:30 a.m. to 3:45 p.m., Monday through Friday. The telephone number is 303–407–5751.

(i) The National Archives at Riverside is located at 23123 Cajalco Road, Perris, CA 92570. The hours are 8 a.m. to 4:30 p.m., Monday through Friday. The telephone number is 951–956–2000.

(j) The National Archives at San Francisco is located at 1000 Commodore Dr., San Bruno, CA 94066–2350. The hours are 7:30 a.m. to 4 p.m., Monday through Friday. The telephone number is 650–238–3501.

(k) The National Archives at Seattle is located at 6125 Sand Point Way, NE., Seattle, WA 98115–7999. The hours are 7:45 a.m. to 4:15 p.m., Monday through Friday, and some Saturday hours. The telephone number is 206–336–5115.

(l) The National Archives at Anchorage is located at 654 West Third Avenue, Anchorage, AK 99501–2145. The hours are 8 a.m. to 4 p.m., Monday through Friday, and some Saturday hours. The telephone number is 907–261–7820.

(m) The National Archives at St. Louis, the National Personnel Records Center archival research room is located at 9700 Page Ave., St. Louis, MO 63132–5100. The hours are 10 a.m. to 4 p.m., Tuesday through Friday, except Federal holidays.

## PART 1280—USE OF NARA FACILITIES

■ 6. The authority citation for part 1280 continues to read as follows:

**Authority:** 44 U.S.C. 2102 notes, 2104(a), 2112, 2903.

■ 7. Amend § 1280.2 by revising paragraph (d) to read as follows:

### § 1280.2 What property is under the control of the Archivist of the United States?

* * * * *

(d) *The National Archives at Atlanta.* The National Archives at Atlanta in

Morrow, Georgia, as specified in 36 CFR 1253.7(d).

* * * * *

■ 8. Amend § 1280.12 by revising paragraph (c) to read as follows:

**§ 1280.12 Is parking available?**

* * * * *

(c) *Records services facilities.* Most records services facilities have onsite parking available for researchers. Parking at these facilities and at the Washington National Records Center is governed by GSA regulations, Management of Buildings and Grounds, found at 41 CFR part 101–20. The National Archives at Philadelphia on Market Street (in Philadelphia) and the National Archives at New York City do not have onsite parking. However, there is ample parking in commercial parking garages near these facilities.

* * * * *

Dated: April 7, 2010.

**David S. Ferriero,**

*Archivist of the United States.*

[FR Doc. 2010–8567 Filed 4–14–10; 8:45 am]

**BILLING CODE 7515–01–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

### 37 CFR Part 41

**[Docket No. PTO–P–2010–0032]**

**RIN 0651–AC46**

## Cancellation of Rule of Practice 41.200(b) Before the Board of Patent Appeals and Interferences in Interference Proceedings

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The United States Court of Appeals for the Federal Circuit issued a decision in *Agilent Technologies, Inc.* v. *Affymetrix, Inc.,* 567 F.3d 1366 (Fed. Cir. 2009). That decision impacted the continuing viability of portions of a patent interference rule. The United States Patent and Trademark Office (USPTO or Office) is therefore cancelling the affected portion of the interference rule.

**DATES:** *Effective date:* This final rule is effective on April 15, 2010.

*Applicability date:* This final rule is applicable in interferences declared before, on, or after April 15, 2010.

**FOR FURTHER INFORMATION CONTACT:** James T. Moore, Vice Chief Administrative Patent Judge, Board of Patent Appeals and Interferences (BPAI or Board), by telephone at (571) 272–9797, or by mail addressed to: Mail Stop Interference, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of James T. Moore, at the BPAI.

**SUPPLEMENTARY INFORMATION:** 37 CFR 41.200(b) (2004) provides: "A claim shall be given its broadest reasonable construction in light of the specification of the application or patent in which it appears." On June 4, 2009, the Federal Circuit in *Agilent* determined that 37 CFR 41.200(b) does not apply in an interference proceeding in the instance where one party challenges another's written description. The Court held: "[W]hen a party challenges written description support for an interference count or the copied claim in an interference, the originating disclosure provides the meaning of the pertinent claim language." *Agilent,* 567 F.3d at 1375. The Court also noted that "[w]hen a party challenges a claim's validity under 35 U.S.C. 102 or 103, however, this court and the Board must interpret the claim in light of the specification in which it appears." *Id.* Addressing the issue again in *Koninklijke Philips Electronics N.V.* v. *Cardiac Science Operating Co.,* 590 F.3d 1326, 1335 (Fed. Cir. 2010), the Court stated that "[A]ny conflict between [Agilent and Rule 200(b)] must be resolved as directed in *Agilent.*"). Accordingly, the Board in an interference will construe a claim in a manner consistent with *Agilent.*

### Rulemaking Considerations

*A. Administrative Procedure Act:* The change in this final rule merely revises the USPTO's rules of practice to eliminate any inconsistency with the Federal Circuit's determination. Furthermore, this rule change involves an interpretive rule or rule of agency practice and procedure under 5 U.S.C. 553(b)(A). Accordingly, the change in this final rule may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c), or thirty-day advance publication under 5 U.S.C. 553(d). *See Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37, 87 U.S.P.Q.2d 1705, 1710 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), does not require notice and comment rule making for "'interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice.'" (quoting 5 U.S.C. 553(b)(A))).

*B. Regulatory Flexibility Act:* As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. *See* 5 U.S.C. 603.

*C. Executive Order 12866 (Regulatory Planning and Review):* This rule making has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

*D. Executive Order 13132 (Federalism):* This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

*E. Executive Order 13175 (Tribal Consultation):* This rule making will not: (1) Have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

*F. Executive Order 13211 (Energy Effects):* This rule making is not a significant energy action under Executive Order 13211 because this rule making is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

*G. Executive Order 12988 (Civil Justice Reform):* This rule making meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

*H. Executive Order 13045 (Protection of Children):* This rule making does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

*I. Executive Order 12630 (Taking of Private Property):* This rule making will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

*J. Congressional Review Act:* Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. However, this