

including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.nichd.nih.gov/about/bsd/htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: May 4, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9-10801 Filed 5-8-09; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Alcohol Abuse and Alcoholism, Special Emphasis Panel, The Effects of Alcohol on Glial Cells (RFA-AA-09-003/004).

*Date:* July 8-9, 2009.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Legacy Hotel, 1775 Rockville Pike, Rockville, MD 20852.

*Contact Person:* Beata Buzas, PhD, Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm 2081, Rockville, MD 20852. 301-443-0800. [bbuzas@mail.nih.gov](mailto:bbuzas@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.271 Alcohol Research Career Development Awards for Scientists

and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: May 4, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9-10783 Filed 5-8-09; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2004-17674]

#### Craft Routinely Operated Dockside

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of policy.

**SUMMARY:** The Coast Guard gives notice that, in accord with a recent Supreme Court decision, it will no longer inspect permanently moored craft or issue Certificates of Inspection to such craft unless a craft demonstrates that it is a vessel, capable of being used as a means of transportation on water. This notice discusses the implications of the Supreme Court decision and responds to comments received in response to a 2004 notice that proposed a policy for permanently moored vessels.

**DATES:** The policy announced in this notice is effective May 11, 2009. Inspection services will continue, with State concurrence, until May 11, 2011, for permanently moored craft that currently possess a Coast Guard-issued Certificate of Inspection, and that have been designed to Coast Guard regulations, and that may not be acceptable for regulation immediately by the State having jurisdiction.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2004-17674 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this policy, contact Lieutenant Commander David Webb of the Coast Guard's Office of Vessel Activities (CG-543), telephone 202-

372-1216. For questions on viewing the docket call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Background

This notice is issued under the authority of 46 U.S.C. 3306, which conveys authority to the Secretary of Homeland Security to implement the vessel inspection provisions of 46 U.S.C. 3301.

On June 21, 2004, the Coast Guard published a notice of proposed policy in the **Federal Register** (69 FR 34385), regarding the inspection of permanently moored vessels (PMVs). We proposed a policy of no longer issuing Certificates of Inspection (COI) to PMVs and no longer inspecting PMVs that currently have a COI, and invited public comments. In response, we received letters from 27 commenters, containing 62 comments.

While we were considering those public comments, the Supreme Court issued its decision in *Stewart v. Dutra Construction Company, Inc.*, 543 U.S. 481, 125 S.Ct. 1118 (2005). That case held that a dredge was a "vessel" under 1 U.S.C. 3. The Court decided that 1 U.S.C. 3 provides the defining criteria for determining what constitutes a vessel, wherever the U.S. Code refers to "vessel" as a jurisdictional criterion. In determining whether a particular craft is also a vessel, the "question remains in all cases whether the watercraft's use 'as a means of transportation on water' is a practical possibility or merely a theoretical one." 543 U.S. at 496.

The Supreme Court's decision ended the prior situation, under which various circuit courts of appeal had applied different tests to determine whether a particular craft constituted a vessel, depending on the statute to be construed and the facts of the case. Under the prior situation, we attempted to apply the different tests so as to provide maximum flexibility in achieving the purpose of the particular statute being administered. After *Stewart*, however, it is clear that we must apply the single test of whether a craft is used, or is practically capable of being used, as a means of transportation on water. *Stewart* implies that a "permanently moored vessel" is an oxymoron, since such a craft is neither used nor practically capable of being used as transportation on water, and therefore cannot be considered a vessel. Only a vessel can be inspected by the Coast Guard under the authority of 46 U.S.C. 3301. Thus, in order to conform to *Stewart*, we have concluded that we will issue Certificates of Inspection to