



U.S. Department
of Homeland Security
**United States
Coast Guard**

LOCAL NOTICE TO MARINERS

District: 9

Week: 23/09

Issued by: Commander (dpw)
Ninth Coast Guard District
1240 East Ninth Street,
Cleveland, OH 44199-2060
Telephone: (216) 902-6069

Direct questions about this LNM to the above address.

All distances in this publication are STATUTE MILES unless otherwise noted.

District Nine Internet Address <http://www.uscg.mil/d9/uscgd9.html>

** Navigation Information Service watchstander, 24 hours a day at (703) 313-5900 ** **Internet Address** <http://www.navcen.uscg.gov/>

Light List Reference: Commandant Publication P16502.7, VOL VII, 2007 Edition

Coast Pilot Reference: 2007 U.S. Coast Pilot 6 Great Lakes 35th Edition

Coast Pilot Corrections Reference download web page: <http://nauticalcharts.noaa.gov/nsd/cpdownload.htm>

The Local Notice to Mariners is available on the Internet at <http://www.navcen.uscg.gov/lnm/d9/default.htm>. You will also have links to other government agencies- web pages including the US Army Corps of Engineers and the National Ocean Service.

REPORT DISCREPANCIES IN AIDS TO NAVIGATION TO THE NEAREST COAST GUARD UNIT

The Ninth District and all Sector offices for their areas of responsibility issue a BROADCAST NOTICE TO MARINERS.

The following Broadcast Notice to Mariners have been incorporated into this week's Local Notice to Mariners:

Sector Buffalo, NY - B052-09 through B060-09

Ninth District - C048-09 through C049-09

Sector Detroit, MI - D083-09 through D088-09

Sector Lake Michigan, WI - M195-09 through M204-09

Sector Sault Ste Marie, MI - S084-09 through S089-09

ABBREVIATIONS

A through H

ACOE - Army Corps of Engineers
ADRIFT - Buoy Adrift
AICW - Atlantic Intracoastal Waterway
AI - Alternating
B - Buoy
BKW - Breakwater
bl - Blast
BNM - Broadcast Notice to Mariner
bu - Blue
C - Canadian
CHAN - Channel
CGD - Coast Guard District
C/O - Cut Off
CONT - Contour
CRK - Creek
CONST - Construction
DBN/Dbn - Daybeacon
DBD/DAYBD - Dayboard
DEFAC - Defaced
DEST - Destroyed
DISCON - Discontinued
DMGD/DAMGD - Damaged
ec - eclipse
EST - Established Aid
ev - every
EVAL - Evaluation
EXT - Extinguished

I through O

I - Interrupted
ICW - Intracoastal Waterway
IMCH - Improper Characteristic
INL - Inlet
INOP - Not Operating
INT - Intensity
ISL - Islet
Iso - Isophase
kHz - Kilohertz
LAT - Latitude
LB - Lighted Buoy
LBB - Lighted Bell Buoy
LHB - Lighted Horn Buoy
LGB - Lighted Gong Buoy
LONG - Longitude
LNM - Local Notice to Mariners
LT - Light
LT CONT - Light Continuous
LTR - Letter
LWB - Lighted Whistle Buoy
LWP - Left Watching Properly
MHz - Megahertz
MISS/MSNG - Missing
Mo - Morse Code
MSLD - Misleading
N/C - Not Charted
NGA - National Geospatial-Intelligence Agency

P through Z

PRIV - Private Aid
Q - Quick
R - Red
RACON - Radar Transponder Beacon
Ra ref - Radar reflector
RBN - Radio Beacon
REBUILT - Aid Rebuilt
RECOVERED - Aid Recovered
RED - Red Buoy
REFL - Reflective
RRL - Range Rear Light
RELIGHTED - Aid Relit
RELOC - Relocated
RESET ON STATION - Aid Reset on Station
RFL - Range Front Light
RIV - River
s - seconds
SEC - Section
SHL - Shoaling
si - silent
SIG - Signal
SND - Sound
SPM - Single Point Mooring Buoy
SS - Sound Signal
STA - Station
STRUCT - Structure
St M - Statute Mile

F - Fixed
fl - flash
Fl - Flashing
G - Green
HAZ - Hazard to Navigation
HBR - Harbor
HOR - Horizontal Clearance
HT - Height

NO/NUM - Number
NOS - National Ocean Service
NW - Notice Writer
OBSCU - Obscured
OBST - Obstruction
OBSTR - Obstruction
Oc - Occulting
ODAS - Anchored Oceanographic Data Buoy

TEMP - Temporary Aid Change
TMK - Topmark
TRLB - Temporarily Replaced by Lighted Buoy
TRLT - Temporarily Replaced by Light
TRUB - Temporarily Replaced by Unlighted Buoy
W - White
Y - Yellow

Additional Abbreviations Specific to this LNM Edition:

DMGD - Damaged
MSLD SIG - Misleading Signal
REDUCED INT DAY - Burning During the Day
SS - Sound Signal

SECTION I - SPECIAL NOTICES

This section contains information of special concern to the Mariner.

USACOE NOTICE TO NAVIGATION INTERESTS

All recent Federal Channel conditions that have conditional surveys can be found at the USACE Detroit District web site at: <http://www.lre.usace.army.mil/who/operationsofficehomepage/latestnotices/index.cfm?> and <http://www.lre.usace.army.mil/who/operationsofficehomepage/noticetonavigationinterest/>, the USACE Chicago District website at: http://www.lrc.usace.army.mil/co%2Do/Nav_Notice.htm, and the USACE Buffalo District website at: <http://www.lrb.usace.army.mil/>

LNM: 27/08

ST LAWRENCE SEAWAY - NAVIGATION NOTICES

All recent notices that have been created by the St Lawrence Seaway System can be found at the following web addresses: <http://www.greatlakes-seaway.com/en/seaway/index.html>

LNM: 13/07

The Dates of Latest Editions, Nautical Charts and Miscellaneous Maps

The Dates of Latest Editions, Nautical Charts and Miscellaneous Maps, dated October 1, 2007, published by the National Ocean Service, is available for issue. It may be obtained for free, by mail, from the FAA/National Aeronautical Charting Office, Distribution Division AVN-530, 10201 Good Luck Road, Glenn Dale MD, 20769-9700, by telephone at 1-800-638-8972, or from your local authorized nautical chart sales agent. This is a quarterly publication listing the most recent editions of nautical charts, miscellaneous maps and publications relating to navigation, weather, etc. with brief descriptions and newly updated prices for most of the publications listed. Much of this information may also be obtained online at: <http://chartmaker.ncd.noaa.gov/mcd/dole.htm>

LNM: 43/07

UPPER KEWEENAW, MI DGPS UNUSABLE TIME APPROVAL

UNUSABLE TIME IS APPROVED FOR THE UPPER KEWEENAW, MI DGPS SITE FOR SCHEDULED ANNUAL PREVENTIVE MAINTENANCE. UNUSABLE TIME AUTHORIZED FOR THE FOLLOWING DATES/TIMES:
PRIMARY: 17 JUNE 09 1300Z - 1500Z (0900 - 1100 EDT)
ALTERNATE: 18 JUNE 09 1300Z - 1500Z (0900 - 1100 EDT)

LNM: 23/09

DETROIT RIVER - Chart 14848

The following buoy will be discontinued from June 10, 2009 through June 15, 2009 during the Red Bull Air Race. For additional information contact U.S. Coast Guard Sector Detroit at (313) 568-9524 or by VHF-FM channel 16.

Griswold Street Junction Buoy (LLNR 8200)

LNM: 17/09

GREAT LAKES - Great Lakes Water Levels

The expected water levels on the Great Lakes for June 20, 2009. Connecting Channels and the St. Lawrence River, given in inches above (+) or below (-) Low Water Datum (LWD). LWD is a plane of reference used on a navigation chart. It is also known as chart Datum.

Great Lakes:

Lake Ontario +37, Lake Erie +36, Lake St. Clair +31, Lake Michigan-Huron +16, Lake Superior +5.

St Lawrence River:

Above Long Sault Dam +46, Above Iroquois Dam +37, Ogdensburg +43, Alexandria Bay +38, Head of River at Cape Vincent +37.

Detroit River:

Lake Erie at Pelee Passage +36, Mouth of River at Gibraltar +35, Head of River above Belle Isle +31.

St. Clair River:

Mouth of River at St. Clair Flats +31, Algonac +29, St. Clair +24, Blue Water Bridge +20, Head of River at Fort Gratiot +16, Lake Huron Approach Channel +16.

St. Marys River:

Mouth of River at Detour +16, West and Middle Neebish +16, Head of Little Rapids +13, U.S. Slip +8, Above Locks +7, Head of River at Point Iroquois +5.

Available water depth is determined for a location by adding (if +) or subtracting (if -) the amount from the above to the water depth shown on National Oceanic and Atmospheric Administration (NOAA) navigational charts. Caution: Depths so determined are representative of a still water surface elevation, disturbed by neither wind nor other causes. Depth, however, may be reduced or increased as much as several feet for short periods of time due to these disturbances, or when sections of channels develop shoals. Vessel masters should refer to the Local Notice to Mariners for extent of shoaling and scattered bedrock projections in all channels. For further information direct inquires to: Department of the Army, Detroit District Corps of Engineers, P. O. Box 1027, Detroit, MI 48231, (313) 226-6443. Additional information can be found on the U.S. Army Corps of Engineers Information Center website at <http://www.lre.usace.army.mil/greatlakes/hh/greatlakeswaterlevels/waterlevelforecasts/connectingchannelsforecasts/index.cfm?>

LNM: 43/08

****UPDATED FOR LNM 14/09****

****BUOY REPOSITIONED DUE TO CHANGE IN SHOALING****

LAKE ST CLAIR - St. Clair Cut-Off Channel - Shoaling - Charts 14850, and 14853

Shoaling has been confirmed inside the St. Clair Cut-Off channel in the vicinity of Canadain Pier Lighted Buoy X32. The US Coast Guard has established St. Clair Cut-Off channel Lighted Buoy 32 (LLNR 8600). This quick flashing red buoy marked "32" has been established in position 42-30-56.057N 082-4109.411W in 31' of water to best mark the shoaling. For more information visit: [http://www.lre.usace.army.mil/OandM/mappdf/mapstclaircut2\[1\].pdf](http://www.lre.usace.army.mil/OandM/mappdf/mapstclaircut2[1].pdf)

LNM: 14/08

LAKE HURON - Au Sable River, MI - Shoaling - Oscoda Break Wall - Chart 14863

Shoaling has been reported, from depths of 1.9 feet to 3 feet, immediately outside the entrance to the Au Sable River. All mariners are advised to use caution while transiting the area.

LNM: 18/08

SECTION II - DISCREPANCIES

This section lists all reported and corrected discrepancies related to Aids to Navigation in this edition. A discrepancy is a change in the status of an aid to navigation that differs from what is published or charted.

DISCREPANCIES (FEDERAL AIDS)

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
40	St. Lawrence Seaway Lighted Buoy 6	REDUCED INT		B058-09	23/09	
55	St. Lawrence Seaway Lighted Buoy 8	REDUCED INT		B030-09	18/09	
295	St. Lawrence Seaway Lighted Buoy 48A	LT IMCH		B054-09	23/09	
1170	St. Lawrence Seaway Lighted Buoy 153	RAC INOP		B016-09	15/09	
2375	Oak Orchard Breakwater Light C	LT EXT	14805	B057-09	23/09	
3520	Erie Harbor Entrance Lighted Buoy 2	LT EXT	14835	B059-09	23/09	
3770	Ashtabula Harbor Junction Lighted Buoy A	LT EXT	14836	B021-09	16/09	
4650	Sandusky Straight Channel Lighted Buoy 13	LT EXT	14845	D082-09	22/09	

4730	Sandusky Bay Exit Channel Range Rear Light	DBN DMGD	14845	D199-08	44/08
5375	Middle Harbor Shoal Lighted Buoy 1	LT EXT	14844	D076-09	21/09
5430	West Harbor Inner Channel Daybeacon 11	DBN DEST	14842	D034-09	13/09
6355	Maumee River Lighted Buoy 62	OFF STA	14847	D086-07	23/09
6595	Monroe Harbor Lighted Buoy 6	OFF STA	14846	D055-09	18/09
6885	Detroit River Light	RAC INOP	14848	D221-08	50/08
7375	Point Mouillee Access Channel Buoy 2	OFF STA	14854	D023-09	09/09
8230	Belle Isle Upper Junction Lighted Buoy	LT EXT	14853	D087-09	23/09
8245	Belle Isle North Lighted Buoy 113	LT EXT	14853	D088-09	23/09
10560	Saginaw Bay Channel Range Rear Light	LT EXT	14867	D037-09	14/09
11505	Nordmeer Wreck Lighted Buoy WR1	RAC INOP	14864	D067-09	19/09
12875	Pipe Island Light	LT IMCH	14882	S205-08	51/08
13030	Munuscong Channel (Upbound) Junction Lighted Bell Buoy	REDUCED INT	14883	S088-09	23/09
13355	Lower Nicolet East Range Front Light	DBN DMGD	14883	S222-08	01/09
13960	Upper Nicolet Range Rear Light	DBN DEST	14883	S025-09	12/09
15170	Manitou Light	SS INOP	14964	S089-09	23/09

DISCREPANCIES (FEDERAL AIDS) CORRECTED

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
2860	Black Rock Canal Lighted Buoy 16	WATCHING PROPERLY	14833	B049-09	22/09	23/09
3359.1	Canadian Niagara Falls Safety Buoy 1	WATCHING PROPERLY			23/09	23/09
6580	Monroe Harbor Buoy 3	WATCHING PROPERLY	14846	D039-09	14/09	23/09
6600	Monroe Harbor Buoy 7	WATCHING PROPERLY	14846	D077-09	21/09	23/09
6920	East Outer Channel Lighted Buoy 7	WATCHING PROPERLY	14848	D080-09	22/09	23/09
6925	East Outer Channel Lighted Buoy 8	WATCHING PROPERLY	14848	D081-09	22/09	23/09
9930	Stag Island Shoal Lighted Buoy 56	WATCHING PROPERLY	14853	D085-09	23/09	23/09
12975	Point Aux Frenes Light 21	WATCHING PROPERLY	14882	S086-09	23/09	23/09
15165	Gull Rock Light	WATCHING PROPERLY	14964	S082-09	22/09	23/09
15605	Superior Entry Inner North Pierhead Light	WATCHING PROPERLY	14975		23/09	23/09
16880	NOAA Lighted Weather Buoy 45001	WATCHING PROPERLY	14961	S087-09	23/09	23/09
18370	Point Betsie Light	WATCHING PROPERLY	14907		21/09	23/09
20820	Sheboygan Breakwater Light	WATCHING PROPERLY	14922	M193-09	22/09	23/09

DISCREPANCIES (PRIVATE AIDS)

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
895	St. Lawrence Seaway Ice Boom Cell Light C	LT EXT	14763	B024-09	17/09	
2393	Golden State Park Entrance Light 3	LT EXT	14805	B040-09	21/09	
3910	Mentor Harbor Light 1	LT EXT	14825	B032-09	18/09	
3920	Mentor Harbor Light 3	LT EXT	14825	B032-09	18/09	
8165	Detroit Lime Company Light	LT IMCH	14854	D168-08	36/08	
18795	Great Lakes Marina Entrance Light 3	LT EXT	14934		22/09	
18805	Great Lakes Marina Entrance Light 5	LT EXT	14934	M174-09	21/09	
18810	Great Lakes Marina Entrance Light 6	LT EXT	14934	M174-09	21/09	
19605	Gary Bulkhead Light	LT EXT	14926	M189-09	22/09	
19925	Four-Mile Crib Light	LT IMCH	14927		23/09	
19934	Thirty-First Street Inner Jetty Light	LT EXT	14926	M202-09	23/09	
20012	Chicago Harbor Navy Pier North Light	LT EXT	14926	M199-09	23/09	
20015	Chicago Harbor Filtration Plant Light B	LT EXT	14926	M201-09	23/09	
20055	North Avenue Jetty Light	LT EXT	14926	M200-09	23/09	

20135	Wilson Avenue Intake Crib Light	LT IMCH	14926	23/09
20355	Zion Intake Lighted Buoy A	OFF STA	14904 M173-09	21/09

DISCREPANCIES (PRIVATE AIDS) CORRECTED

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
20360	Zion Intake West Light	WATCHING PROPERLY	14904		22/09	23/09
20386	Northpoint Marina Reef Obstruction Lighted Buoy A	WATCHING PROPERLY	14904		19/09	23/09
20387	Northpoint Marina Reef Obstruction Lighted Buoy B	WATCHING PROPERLY	14904		19/09	23/09
20388	Northpoint Marina Reef Obstruction Lighted Buoy C	WATCHING PROPERLY	14904		19/09	23/09
20389	Northpoint Marina Reef Obstruction Lighted Buoy D	WATCHING PROPERLY	14904		19/09	23/09
20725	South Shore Park Breakwater Light	WATCHING PROPERLY	14924		41/08	23/09

PLATFORM DISCREPANCIES

Name	Status	Position	BNM Ref.	LNM St	LNM End
None					

PLATFORM DISCREPANCIES CORRECTED

Name	Status	Position	BNM Ref.	LNM St	LNM End
None					

SECTION III - TEMPORARY CHANGES and TEMPORARY CHANGES CORRECTED

This section contains temporary changes and corrections to Aids to Navigation for this edition. When charted aids are temporarily relocated for dredging, testing, evaluation, or marking an obstruction, a temporary correction shall be listed in Section IV giving the new position.

TEMPORARY CHANGES

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
2295	Irondequoit Bay Light A	TRLB	14804		19/09	
3305	Buckhorn Island Dike Light 1	DISCONTINUED	14832		23/09	
4220	Cleveland Harbor West Basin Channel Light 2	DISCONTINUED	14839		44/08	
5670	Perry Memorial Monument Light	DISCONTINUED	14844		50/08	
5920	Toussaint River Entrance Buoy 1	DISCONTINUED	14846		22/09	
5930	Toussaint River Entrance Buoy 3	DISCONTINUED	14846		22/09	
5935	Toussaint River Entrance Buoy 4	DISCONTINUED	14846		22/09	
5940	Toussaint River Entrance Buoy 5	DISCONTINUED	14846		22/09	
5945	Toussaint River Entrance Buoy 6	DISCONTINUED	14846		22/09	
7650	Stony Island Buoy 8	DISCONTINUED	14853		22/09	
11780	Cheboygan River Entrance Lighted Buoy 2	TRUB	14881		17/09	
12975	Point Aux Frenes Light 21	Reduced Intensity	14882	S005-09	02/09	
13280	Middle Neebish South Range Rear Light	DISCONTINUED	14883		18/09	
15670	Superior Harbor Basin Buoy 1	DISCONTINUED FOR DREDGING	14975		23/09	
15675	Superior Harbor Basin Buoy 3	DISCONTINUED FOR DREDGING	14975		23/09	
19290	Holland Harbor North Pierhead Light	DISCONTINUED	14932		21/09	
19520	St. Joseph North Pier Inner Light	DISCONTINUED	14930		13/09	

TEMPORARY CHANGES CORRECTED

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
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None

PLATFORM TEMPORARY CHANGES

Name	Status	Position	BNM Ref.	LNM St	LNM End
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None

PLATFORM TEMPORARY CHANGES CORRECTED

Name	Status	Position	BNM Ref.	LNM St	LNM End
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None

SECTION IV - CHART CORRECTIONS

This section contains corrections to federally and privately maintained Aids to Navigation, as well as NOS corrections.

This section contains corrective actions affecting chart(s). Corrections appear numerically by chart number, and pertain to that chart only. It is up to the mariner to decide which chart(s) are to be corrected. The following example explains individual elements of a typical chart correction.

Chart Number	Chart Edition	Edition Date	Last Local Notice to Mariners	Horizontal Datum Reference	Source of Correction	Current Local Notice to Mariners
12327	91st Ed.	19-APR-97	Last LNM: 26/97	NAD 83		27/97
Chart Title: NY-NJ-NEW YORK HARBOR - RARITAN RIVER						
Main Panel 2245 NEW YORK HARBOR						
(Temp)	ADD	NATIONAL DOCK CHANNEL BUOY 3			CGD01 at 40-41-09.001N	074-02-48.001W
	Corrective Action	Object of Corrective Action				Position

(Temp) indicates that the chart correction action is temporary in nature. Courses and bearings are given in degrees clockwise from 000 true.

Bearings of light sectors are toward the light from seaward. The nominal range of lights is expressed in nautical miles (NM) unless otherwise noted.

14848	58th Ed.	01-OCT-07	Last LNM: 21/09	NAD 83		23/09
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Chart Title: **Detroit River**

Main Panel 1252 **DETROIT RIVER**. Page/Side: N/A

CHANGE	Depth Legend - Flemming Channel; 22 FEET FOR WIDTH OF 800-1200 FEET OCT 2006- OCT 2008 FROM 24 FEET..NOV 1996-OCT 2006 (NOS NW-17225)				NOS 42-20-36.600N	082-57-06.500W
ADD	Sounding in Feet; 15 (NOS NW-17225)				NOS 42-20-55.700N	082-56-32.800W

14850	53rd Ed.	01-SEP-06	Last LNM: 13/09	NAD 83		23/09
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Chart Title: **Lake St. Clair**

Main Panel 1257 **LAKE SAINT CLAIR**. Page/Side: N/A

CHANGE	Depth Legend -Flemming Channel;; 22 FEET FOR WIDTH OF 800-1200 FEET OCT 2006- OCT 2008 FROM 24 FT...NOV 1996-OCT 2006- (NOS NW-17225)				NOS 42-21-31.000N	082-55-06.000W
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14852	46th Ed.	01-JUN-06	Last LNM: 19/09	NAD 83		23/09
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Chart Title: **St. Clair River;Head of St. Clair River**

Extension 1261 **ST CLAIR RIVER MICHIGAN EXTENSION**. Page/Side: N/A

CHANGE	Depth Legend - Lake Huron; 26 FEET FOR MID-WIDTH OF 750 FEET AUG 2008 FROM 27 FEET..AUG 2006 (NOS NW-17217)				NOS 43-02-00.000N	082-24-58.250W
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14853	17th Ed.	01-MAR-08	Last LNM: 21/09	NAD 83		23/09
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Chart Title: **SMALL-CRAFT BOOK CHART - Detoit River, Lake St. Clair and St. Clair River (book of 47 charts)**

Extension 1274 **DETROIT RIVER, PAGE 13**. Page/Side: 13

CHANGE	Depth Legend - Flemming Channel; 22 FEET FOR WIDTH OF 800-1200				NOS 42-20-36.600N	082-57-06.500W
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	1/2 FEET DEC 2007 (NOS NW-17186)		
CHANGE	Depth Legend - ST JOSEPH HARBOR; 5 1/2 FEET MAR 2009 FROM 17 1/2 FEET OCT 2008 (NOS NW-17186)	NOS 42-06-48.000N	086-28-17.000W
CHANGE	Depth Legend - ST JOSEPH HARBOR; 9 1/2 FEET MAR 2009 FROM 10 FT MAR-APR 2008 (NOS NW-17186)	NOS 42-06-44.800N	086-29-00.200W

14932 23rd Ed. 01-APR-03 Last LNM: 17/09 NAD 83 23/09

ChartTitle: Holland Harbor

Main Panel 1487 HOLLAND HARBOR . Page/Side: N/A

DELETE	Sounding in Feet; 14 (NOS NW-17269)	NOS 42-46-24.200N	086-12-47.800W
DELETE	Sounding in Feet; 15 (NOS NW-17269)	NOS 42-46-21.300N	086-12-47.400W
DELETE	Sounding in Feet; 17 (NOS NW-17269)	NOS 42-46-23.400N	086-12-32.800W
CHANGE	Depth Legend - Holland Harbor; 16 1/2 FT MAR 2009 FROM 21 FT APR 2008 (NOS NW-17269)	NOS 42-46-22.700N	086-13-00.800W
CHANGE	Depth Legend - Holland Harbor; 17 FT SEP 2007 - MAR 2009 FROM 20 FT SEP 2007-APR 2008 (NOS NW-17269)	NOS 42-46-21.100N	086-12-26.200W
ADD	Sounding in Feet; 15 (NOS NW-17269)	NOS 42-46-23.900N	086-12-46.500W
ADD	Sounding in Feet; 16 (NOS NW-17269)	NOS 42-46-21.700N	086-12-46.500W

14966 27th Ed. 01-MAY-05 Last LNM: 21/09 NAD 83 23/09

ChartTitle: Little Girls Point to Silver Bay, including Duluth and Apostle Islands;Cornucopia Harbor;Port Wing Harbor;Knife River Harbor;Two Harbors

Inset 1517 PORT WING WISCONSIN. Page/Side: N/A

CHANGE	Depth Legend - Port Wing Harbor Entrance; 12 FT NOV 2008 FROM 13 FT AUG 2005 (NOS NW-17265)	NOS 46-47-32.000N	091-23-11.000W
CHANGE	Depth Legend - Port Wing Harbor; 5 1/2 FT NOV 2008 FROM 6 FT AUG 2005 (NOS NW-17265)	NOS 46-47-27.000N	091-23-00.000W
ADD	Sounding in Feet; 10 (NOS NW-17265)	NOS 46-47-26.500N	091-23-09.100W
ADD	Sounding in Feet; 7 (NOS NW-17265)	NOS 46-47-24.900N	091-23-10.700W
ADD	Sounding in Feet; 8 (NOS NW-17265)	NOS 46-47-25.400N	091-23-09.700W
ADD	Sounding in Feet; 8 (NOS NW-17265)	NOS 46-47-26.000N	091-23-08.900W

14970 26th Ed. 01-AUG-04 Last LNM: 03/09 NAD 83 23/09

ChartTitle: Marquette and Presque Isle Harbors

Main Panel 1527 MARQUETTE AND PRESQUE ISLE HARBORS. Page/Side: N/A

DELETE	Sounding in Feet; 22 (NOS NW-17233)	NOS 46-32-32.500N	087-22-58.700W
DELETE	Sounding in Feet; 23 (NOS NW-17233)	NOS 46-32-07.500N	087-23-04.200W
DELETE	Sounding in Feet; 24 (NOS NW-17233)	NOS 46-32-29.200N	087-22-49.000W
DELETE	Sounding in Feet; 24 (NOS NW-17233)	NOS 46-32-32.300N	087-23-05.000W
SUBSTITUTE	Sounding in Feet; 15 FOR 18 (NOS NW-17233)	NOS 46-32-30.400N	087-22-46.300W
SUBSTITUTE	Sounding in Feet; 15 for 19 (NOS NW-17233)	NOS 46-32-24.200N	087-22-46.200W
SUBSTITUTE	Sounding in Feet; 20 for 15ft (NOS NW-17231)	NOS 46-34-36.550N	087-23-11.650W
SUBSTITUTE	Sounding in Feet; 20 for 22 (NOS NW-17233)	NOS 46-32-18.700N	087-22-46.200W
SUBSTITUTE	Sounding in Feet; 21 for 24 (NOS NW-17231)	NOS 46-34-33.300N	087-22-47.000W

SUBSTITUTE	Sounding in Feet; 22 for 23 (NOS NW-17233)	46-32-32.700N	087-23-02.300W
SUBSTITUTE	Sounding in Feet; 22 for 26 (NOS NW-17231)	NOS 46-34-30.100N	087-22-40.400W
SUBSTITUTE	Sounding in Feet; 23 for 25 (NOS NW-17233)	NOS 46-32-32.700N	087-22-52.300W
CHANGE	Depth Legend - Marquette Harbor; 24 FT FOR MID-WIDTH OF 1400 FT SEP 2008 FROM JUL 2007 (NOS NW-17233)	NOS 46-32-19.000N	087-22-57.000W
CHANGE	Depth Legend - Presque Isle Harbor; 24 FT SEP 2008 FROM 20 1/2 FT JUL 2007 (NOS NW-17231)	NOS 46-34-34.400N	087-23-02.800W
CHANGE	Depth Legend - Presque Isle Harbor; 24 FT rep 2001-2008 FROM 29 ft rep 2001 (NOS NW-17231)	NOS 46-34-45.000N	087-23-13.100W
CHANGE	Depth Legend - Presque Isle Harbor; 29 ft rep 2001-2008 FROM 29 ft rep 2001 (NOS NW-17231)	NOS 46-34-43.400N	087-23-15.900W
ADD	Sounding in Feet; 11 (NOS NW-17231)	NOS 46-34-41.900N	087-22-59.700W
ADD	Sounding in Feet; 11 (NOS NW-17231)	NOS 46-34-42.100N	087-23-08.300W
ADD	Sounding in Feet; 11 (NOS NW-17233)	NOS 46-32-23.030N	087-22-46.450W
ADD	Sounding in Feet; 13 (NOS NW-17231)	NOS 46-34-35.000N	087-22-49.300W
ADD	Sounding in Feet; 14 (NOS NW-17231)	NOS 46-34-41.700N	087-23-04.500W
ADD	Sounding in Feet; 14 (NOS NW-17231)	NOS 46-34-42.300N	087-23-02.600W
ADD	Sounding in Feet; 15 (NOS NW-17231)	NOS 46-34-40.900N	087-23-06.600W
ADD	Sounding in Feet; 15 (NOS NW-17233)	NOS 46-32-31.700N	087-22-46.200W
ADD	Sounding in Feet; 16 (NOS NW-17231)	NOS 46-34-36.600N	087-22-51.300W
ADD	Sounding in Feet; 17 (NOS NW-17231)	NOS 46-34-39.100N	087-23-09.070W
ADD	Sounding in Feet; 17 (NOS NW-17233)	NOS 46-32-28.400N	087-22-46.300W
ADD	Sounding in Feet; 18 (NOS NW-17233)	NOS 46-32-27.000N	087-22-46.300W
ADD	Sounding in Feet; 21 (NOS NW-17233)	NOS 46-32-06.400N	087-23-09.000W
ADD	Sounding in Feet; 22 (NOS NW-17231)	NOS 46-34-31.300N	087-22-43.000W
ADD	Sounding in Feet; 22 (NOS NW-17231)	NOS 46-34-35.540N	087-23-12.830W
ADD	Sounding in Feet; 22 (NOS NW-17233)	NOS 46-32-13.600N	087-22-45.600W
ADD	Sounding in Feet; 23 (NOS NW-17231)	NOS 46-34-40.500N	087-23-11.160W
ADD	Sounding in Feet; 23 (NOS NW-17233)	NOS 46-32-11.500N	087-23-09.100W
ADD	Sounding in Feet; 23 (NOS NW-17233)	NOS 46-32-32.700N	087-22-48.100W
ADD	Sounding in Feet; 24 (NOS NW-17231)	NOS 46-34-28.400N	087-22-37.200W

14975 35th Ed. 01-DEC-07 Last LNM: 21/09 NAD 83 23/09

ChartTitle: Duluth-Superior Harbor; Upper St. Louis River

CHART DULUTH-SUPERIOR HARBOR. Page/Side: N/A

RELOCATE	St. Louis Bay South Channel (Eastern Section) Buoy 2	CGD09 from 46-44-54.598N to 46-44-54.438N	092-06-18.834W 092-06-18.736W
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SECTION V - ADVANCE NOTICES

This section contains advance notice of approved projects, changes to aids to navigation, or upcoming temporary changes such as dredging, etc. Mariners are advised to use caution while transiting these areas.

SUMMARY OF ADVANCED APPROVED PROJECTS

None

Advance Notice(s)

LAKE ERIE - West End of Sandusky Bay - Chart 14842

The following Aids to Navigation will be changed to warn the mariner of rocks and shoaling:

Muddy Creek:

Squaw Island Light 12 (LLNR 5085) change flash characteristic to QW and day board to white with orange bands to read "Danger Shoal"

Sandusky River:

Sandusky River Daybeacon 13 (LLNR 5090) change day board to white with orange bands and to read "Danger Rock"

Sandusky River Daybeacon 15 (LLNR 5096) change day board to white with orange bands and to read "Danger Rock"

Sandusky River Daybeacon 17 (LLNR 5100) change day board to white with orange bands and to read "Danger Rock"

LNM: 19/08

LAKE SAINT CLAIR - Chart 14850

Lake St. Clair Lighted Buoy "30" (LLNR 8570)

Construction of a fixed aid to navigation to replace lighted buoy "30" will begin in late spring of 2009. The fixed aid to navigation will have the same characteristic Q R with a range of 9 statute miles.

LNM: 05/09

LAKE HURON - Harrisville to Forty Mile Point - Chart 14864

Presque Isle Light (LLNR 11550) Change the aid from a federal aid to navigation to a private aid to navigation. The characteristic will remain the same.

LNM: 20/07

LAKE HURON - Harrisville to Forty Mile Point - Chart 14864

Sturgeon Point Light (LLNR 11345) change to private aid. Characteristics and range will remain the same.

LNM: 01/07

LAKE HURON - Lake Huron Cut - Chart 14862

Lake Huron Cut Light "7" (LLNR 10065)

Increase the range of the light from 6 to 9 statute miles.

LNM: 05/09

LAKE HURON - Les Cheneaux Islands - Chart 14885

Change the radar range of the following buoys from 1.7 to .5 statute miles on the following buoys due to a change in the buoy hull being used to mark these positions.

Les Cheneaux Islands West Entrance Lighted Buoy "2" (LLNR 12380)

Les Cheneaux Islands West Entrance Lighted Buoy "3" (LLNR 12385)

Les Cheneaux Islands West Entrance Lighted Buoy "4" (LLNR 12390)

Scammons Harbor Lighted Buoy "4" (LLNR 12270)

LNM: 15/09

LAKE MICHIGAN - Sturgeon Bay Ship Canal - Chart 14919

Sturgeon Bay Ship Canal Buoy "15A" (LLNR 21117) change from an unlighted buoy to a lighted buoy. FI G 2.5s, 3 statute mile range. Seasonal from 21 April through 21 November replaced by a can in the winter.

LNM: 16/08

LAKE MICHIGAN - Stony Lake to Point Betsie - Chart 14907

Change the following lights from a Federal Aid to Navigation to a Private Aid to Navigation. The light would be operated by the Sable Points Lighthouse Keepers Association.

Big Sable Light (LLNR 18525)

Little Sable Light (LLNR 18645)

LNM: 33/08

LAKE MICHIGAN - Chart 14901

Change the seasonal dates of the following lighted buoys

From: 28 March - 14 December

To: 14 April - 07 December:

Calumet East Shoal LB "4" (LLNR 19795)
Clemson Shoal LBB "4" (LLNR 19910)
Wilmette Shoal LBB "WR2" (LLNR 20250)
Grossepoint Outer LBB "4" (LLNR 20255)
Waukegan Shoals LB "3" (LLNR 20330)
Racine Reef West End LB "1" (LLNR 20485)
Wind Point North Shoal LB "14" (LLNR 20610)

LNM: 11/09

LAKE MICHIGAN - Dutch Johns Point to Fishery Point - Chart 14908

Manistique Light (LLNR 21475) Change the operation of the Fog Signal to a user activated system. The Coast Guard will install a user activated fog signal; to operate the fog signal, key the microphone on VHF Marine radio channel 79 five times.

LNM: 18/09

LAKE MICHIGAN - Manitowoc Harbor - Chart 14922

Manitowoc Breakwall Light (LLNR 20860) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 15 to 12 statute miles.

Change the operation of the Fog Signal to a user activated system. The Coast Guard will install a user activated fog signal; to operate the fog signal, key the microphone on VHF Marine radio channel 79 five times.

LNM: 01/07

ST MARYS RIVER - De Tour Passage to Munuscong Lake - Chart 14882

Pipe Island Light (LLNR 12875)

Reduce the range of the light from 17 statute miles to 12 statute miles. The change would be a result of installing a more reliable LED lantern.

LNM: 10/09

LAKE SUPERIOR - Apostle Islands - Chart 14973

Outer Island Light (LLNR 15255) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 15 to 12 statute miles.

Devils Island Light (LLNR 15565) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 15 to 12 statute miles.

LNM: 19/08

LAKE SUPERIOR - Big Bay Point to Redridge - Chart 14964

Huron Island Light (LLNR 14730) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 15 to 12 statute miles.

Manitou Island Light (LLNR 15170) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 18 to 12 statute miles.

LNM: 19/08

LAKE SUPERIOR - Isle Royale - Chart 14976

Passage Island Light (LLNR 16835) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 17 to 12 statute miles.

Rock of Ages Light (LLNR 16655) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 17 to 12 statute miles.

LNM: 07/08

SECTION VI - PROPOSED CHANGES

Periodically, the Coast Guard evaluates its system of aids to navigation to determine whether the conditions for which the aids to navigation were established have changed. When changes occur, the feasibility of improving, relocating, replacing, or discontinuing aids are considered. This section contains notice(s) of non-approved, proposed projects open for comment. SPECIAL NOTE: Mariners are requested to respond in writing to the District office unless otherwise noted (see banner page for address).

PROPOSED WATERWAY PROJECTS OPEN FOR PUBLIC COMMENT

<u>Proposed Project(s)</u>	<u>Closing</u>	<u>Docket No.</u>	<u>Ref. LNM</u>
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None

Proposed Change Notice(s)

LAKE MICHIGAN - Holland Harbor - Chart 14932

Change the following buoys from a permanent year round buoy to a seasonal buoy maintained from 14 April to 07 November.

Lake Macatawa Buoy "23" (LLNR 19430)

Lake Macatawa Buoy "25" (LLNR 19435)

Lake Macatawa Buoy "26" (LLNR 19440)

LNM: 18/09

LAKE MICHIGAN - White Lake - Chart 14935

Reduce the visual range from 1.4 miles to 1.2 miles and reduce the radar range from 1.3 miles to .5 miles on the following seasonal buoys:

White Lake LB "5" (LLNR 18665)

White Lake LB "7" (LLNR 18670)

White Lake LB "9" (LLNR 18670)

White Lake LB "11" (LLNR 18680)

White Lake LB "12" (LLNR 18685)

LNM: 20/09

LAKE MICHIGAN - St. Joseph and Benton Harbor - Chart 14930

Change the characteristics and ranges of the following lights due submarine cable failure and solarization:

St. Joseph North Pierhead Light (LLNR 19515) change the characteristic from OSO W 6s to FI W 2.5s and the range from 15 to 10 statute miles.

St. Joseph North Pier Inner Light (LLNR 19520) change the characteristic from F W to Oc W 4s and the range from 16 to 7 statute miles. The light will be relocated on the western side railing of the cupola.

LNM: 19/08

STRAITS OF MACKINAC - Les Cheneaux Islands - Chart 14885

Crow Island Leading Light (LLNR 12220)

Reduce the advertised range from 13 to 11 statute miles. Eliminate the advertised high intensity beam on bearing 160 degrees due to the installation of a new LED lantern.

LNM: 23/09

LAKE SUPERIOR - Keweenaw Waterway - Chart 14972

Due to the installation of LED lanterns remove the high intensity beam of light from the following aids to navigation:

Keweenaw Waterway South Range Front Light (LLNR 14820)

Rouleau Point Range Front Light (LLNR 15040)

LNM: 23/09

For any comments or questions on these proposed changes please contact:

Mr. Doug Sharp of the Ninth District Aids to Navigation office at (216) 902-6070.

LNM: 34/05

SECTION VII - GENERAL

This section contains information of general concern to the Mariners. Mariners are advised to use caution while transiting these areas.

Waterways Analysis and Management System Study - 2009

The Coast Guard is conducting a Waterways Analysis and Management System Study on the following waterways during 2009. The study focuses

Waterways Analysis and Management System Study - 2009

on the area's aid to navigation system, waterborne commerce, marine casualty information, emergency response plans, routine and emergency communication capabilities, and future development projects. Any company or individual wishing to provide comments or participate in a user survey should contact the office listed below each study area.

Lake Erie - Erie Harbor (LLNR 3495 - 3696)
Lake Ontario - Youngstown Harbor (LLNR 2400 -2655)
Lake Ontario - Rochester Harbor (LLNR 2280 - 2395)
Contact:
Commander
USCG Sector Buffalo
1 Fuhrmann Blvd.
Buffalo, NY 14203-3189
(716) 843-9524

Lake Erie - Eastern Ohio - (LLNR 3700 thru LLNR 3955)
Contact:
Commander
USCG Sector Buffalo
1 Fuhrmann Blvd.
Buffalo, NY 14203
(716) 813-9524

Lake Erie - Erie Islands - Chart 14844
Contact:
Commander
USCG Sector Detroit
110 Mt. Elliot Ave.
Detroit, MI 48207
(313) 568-9523

Lake St. Clair - Anchor Bay (LLNR 9305 - 9565)
Lake St. Clair - Lake St. Clair Recreation/Belle Isle (LLNR 8280 - 8396)
Contact:
Commander
USCG Sector Detroit
110 Mt. Elliot Ave.
Detroit, MI 48207-4380
(313)568-9523

Lake St. Clair - Main Shipping Channel (LLNR 8400 -8660)
Lake Erie - Sandusky Harbor/Moseley Channel (LLNR 4560 - 5030)
Lake Erie - Lorain/Huron Harbor (LLNR 4265 - 5455)
Commanding Officer
USCGC Bristol Bay (WTGB 102)
110 Mt. Elliot Ave.
Detroit, MI 48207-4380
(313) 568-9548

Lake Huron - Au Gres and Tawas Bay - Chart 14863
Contact:
Commander
USCG Sector Detroit
110 Mt. Elliot Ave.
Detroit, MI 48207-4380
(313) 568-9523

Lake Huron - Alpena (LLNR 11345 -11715)
Lake Huron - Port Sanilac/Harbor Beach (LLNR 10095 - 10212)
Lake Huron - Port Austin/Caseville (LLNR 10215 -10385)
Contact:
Commanding Officer
USCGC Hollyhock (WLB 214)
2700 Omar Street
Port Huron, MI 48060-8519

Lake Michigan - Milwaukee Harbor (LLNR 20635 - 20765)
Contact:
Commanding Officer
USCGC Mackinaw (WLBB 30)
632 Coast Guard Drive

Waterways Analysis and Management System Study - 2009

Cheboygan, MI 49721-1299
(231) 597-2030

Lake Michigan - Grand Traverse Bay (LLNR 17855 - 18366)
Lake Superior - Knife River /Two Harbors (LLNR 16495 - 16580)

Contact:

Commanding Officer
USCGC Alder (WLB 216)
1201 Minnesota Ave
Duluth, MN 55802-2492
(216) 529-3131

Lake Michigan - Holland Harbor (LLNR 19270 - 19511.6)
Lake Michigan - White Lake (LLNR 18650 - 18960)
Lake Michigan - Michigan City (LLNR 19535 - 19570)

Contact:

Commander
USCG Sector Lake Michigan
2420 South Lincoln Memorial Drive
Milwaukee, WI 53207-1997
(414) 747-7188

Lake Michigan - Muskegon/Grand Haven (LLNR 18705 - 19265)
Lake Michigan - Portage Lake/Manistee/Ludington (LLNR 18370 - 18645)

Contact:

Commanding Officer
USCGC Mobile Bay (WTGB 103)
P.O. Box 287
Sturgeon Bay, WI 54235-0287
(920) 743-2646

Lake Superior - Upper St. Louis River (LLNR 16255 - 16492)

Contact:

Commander
USCG Sector Sault Ste Marie
337 Water Street
Sault Ste Marie, MI 49783-9501
(906) 635-3270

LNM: 07/08

*******UPDATED FOR LNM 23/09*******

LAKE MICHIGAN – WI – Sturgeon Bay, Temporary Change to Operating Schedule, Chart 14919

*****UPDATED FOR LNM 23/09*****

LAKE MICHIGAN – WI – Sturgeon Bay, Temporary Change to Operating Schedule, Chart 14919

From June 1, 2009 through November 15, 2010, the Maple-Oregon Bridge at Mile 4.17 over the Sturgeon Bay Ship Canal will only open for recreational vessels every hour, on the hour, twenty-four hours a day, seven days a week. Commercial and Public vessels will be granted an opening on signal at all times. A Temporary Final Rule was published in the Federal Register on June 5, 2009 (74 FR 26952). A copy of the Temporary Final Rule is included in this LNM as enclosure [3]. [19/09] [23/09]

LNM: 23/09

*******NEW FOR LNM 23/09*******

LAKE MICHIGAN – IL – North Branch Chicago River, Advance Notice of Arrival, Chart 14929

Repair work will commence on the Division Street Bridge at Mile 3.30 over the North Branch of the Chicago River beginning June 9 and continue through July 31, 2009. Work hours will be 0700 to 1530. A single work float (40' x 20') will be utilized in various places under the bridge and will clear the navigation channel if need be provided a 30-minute Advance Notice of Arrival is given. Advance notice can be given directly to the bridge via VHF-FM Marine Radio Channel 12 or by calling (312) 747-2470. When not in use, the float will be moored outside the navigation channel and lighted in accordance with navigation rules. All mariners are urged to transit the area with caution. [23/09]

LNM: 23/09

ST MARY'S RIVER – Charts 14882 and 14883

The Luedtke Engineering Co. will be conducting dredging in the Saint Mary's River, Course S, West Neebish Channel. Operations will commence on June 15, 2009 thru July 15, 2009. The hours of operation are 24 hours a day, 7 days a week. The ANN MARIE, DERRICK BOAT 10, or DERRICK BOAT 12 may be contacted VHF – FM channel 19 and 16. Barges will be encountered between the dredging area and the south end of Rock Cut. All vessels are requested to transit the work area at slow no wake speeds to prevent injuries and damage to equipment. For further information contact Jon D. Keillor at (231) 352-9631 ext. 15.

LNM: 23/09

GREAT LAKES - GENERAL - MARINE EVENTS - SAFETY ZONES - SECURITY ZONES

Events listed below are those events that may have accompanying special local regulations. Mariners transiting these areas should contact the U.S. Coast Guard with any questions and are asked to exercise caution when navigating through the area of the event. Summary located in Enclosure (2)

LAKE ERIE / LAKE ONTARIO - Marine Events / Safety Zones - Charts 14820 - 14800

The Following Marine Events or Safety zones will take place in Lake Erie / Lake Ontario for information about the following events contact the POC or USCG Sector Buffalo's Prevention Department.

LAKE ERIE:

The Event: MercyHurst College "Old Fashion 4th of July"
Date/Time: 04 July 2009/2145-2215
Location: Presque Isle, Erie, PA
Sponsor or POC: David Rocco (814) 870-1253

LAKE ONTARIO:

The Event: July 4th Fireworks
Date/Time: 03 July 2009/ 2200-2220
Location: Lake Ontario, Kendall, NY
Sponsor or POC: Jim Freemesser (585) 455-0999

The Event: Labor Day Fireworks
Date/Time: 07 Sept 2009/2200-2220
Location: Lake Ontario, Kendall, NY
Sponsor or POC: Jim Freemesser (585) 455-0999

The Event: Olcott fireworks
Date/Time: 03 July 2009/2200-2225
Location: Lake Ontario at Eighteen Mile Creek
Sponsor or POC: Jane Voelpel (716) 628-4007

The Event: Oswego Harborfest
Date/Time: 25 July 2009/2100-2200
Location: Lake Ontario, Oswego, NY
Sponsor or POC: Edward Rubio (631) 312-1411

The Event: Tom Graves Memorial
Date/Time: 03 July 2009/2200/2230
Location: Lake Ontario, Port Bay, NY
Sponsor or POC: Harry DeKing (315) 594-2691

The Event: Seneca River Days
Date/Time: July 10 Fireworks from 2130-2230/ July 11 Marine Events from 0900-1700 2009.
Location: Seneca River, Baldwinsville, NY
POC: Ann Smiley (315) 635-5999

The Event: Lyme Community Days
Date and Time: 25-26 July 2009/ 2100-2200
Location: Chaumont Bay, Chaumont, NY
POC: Guy Gosier (315)649-5452

LNM: 33/08

LAKE SUPERIOR - Marine Events / Safety Zones - Chart 14961

The following Marine Events or Safety Zones take place in Lake Superior . For information about the following events contact the POC or USCG Sector Sault Ste Marie's Prevention Department.

None Reported

LNM: 39/08

LAKE HURON - Marine Events / Safety Zones - Chart 14860

The following Marine Events or Safety Zones take place in Lake Huron . For information about the following events contact the POC or USCG Sector Detroit's Prevention Department..

None Reported

LNM: 39/08

LAKE MICHIGAN - Marine Events / Safety Zones - Chart 14901

The following Marine Events or Safety Zones take place in Lake Michigan . For information about the following events contact the POC or USCG Sector Lake Michigan's Prevention Department.

None Reported

LNLM: 38/08

SECTION VIII - LIGHT LIST CORRECTIONS

An Asterisk *, indicates the column in which a correction has been made to new information

(1) No.	(2) Name and Location	(3) Position	(4) Characteristic	(5) Height	(6) Range	(7) Structure	(8) Remarks
16065	St. Louis Bay South Channel (Eastern Section) Buoy 2	46-44-54.438N 092-06-18.736W				Red nun.	23/09

*

PUBLICATION CORRECTIONS

None

ENCLOSURES

(1) Summary of Dredging

[SUMMARY OF DREDGIN2.pdf](#)

Construction Operations in Effect

(2) GREAT LAKES - General - Marine Events

[GREAT LAKES.pdf](#)

Summary of Marine Events

(3) FEDERAL REGISTER

[FR001.pdf](#) [FR002.pdf](#) [FR003.pdf](#) [FR004.pdf](#)

The above enclosures are in the Federal Registers for the last week.

LNLM: 31/08

(4) US ARMY CORP OF ENGINEERS - Notice to Navigation Intrest

The above Enclosures are the most current for the Army Corp of Engineers and can be found at <http://www.lre.usace.army.mil/who/operationsofficehomepage/latestnotices/index.cfm?>

LNLM: 36/08

Peter V. Neffenger
Rear Admiral, U. S. Coast Guard
Commander, Ninth Coast Guard District

SUMMARY OF DREDGING/CONSTRUCTION OPERATIONS IN EFFECT

The LNM column is where the entry originally appeared and where detailed information may be obtained. The dates listed for completions are tentative.

Location	LNM	Subject	Hours / Days	Until
<u>NEW YORK STATE BARGE CANAL</u>				
Fort Edward, NY	18/09	DREDGING	24 HRS A DAY / 7 DAYS	01 NOV 09
<u>LAKE ONTARIO</u>				
Rochester, NY	16/09	DREDGING	24 HRS A DAY / 7 DAYS	07 JUL 09
<u>LAKE ERIE</u>				
Cleveland, OH	43/08 52/08	CONSTRUCTION	0700-1530 / MON-SAT	30 JUN 09
Niagara River, NY	11/09	REDUCTION IN VERTICAL CLEARANCE	24 HRS A DAY / 7 DAYS	31 DEC 10
<u>DETROIT RIVER</u>				
None Reported				
<u>LAKE ST CLAIR</u>				
Mt. Clemens, MI	40/08	PROPOSED BRIDGE REPLACEMENT	TBD	TBD
Mt. Clinton, MI	06/09	REPLACEMENT OF THE BRIDGEVIEW AVE BRIDGE	0700-1930 /MON-FRI	30 SEP 09
<u>ST CLAIR RIVER</u>				
Port Huron, MI	13/09	BRIDGE REHABILITATION	24 HRS A DAY / 7 DAYS	30 JUN 09
<u>LAKE HURON</u>				
None Reported				
<u>STRAITS OF MACKINAC</u>				
None Reported				
<u>SAINT MARY'S RIVER</u>				
Course S	23/09	DREDGING	HRS A DAY / 7 DAYS	15 JUL 09
<u>LAKE SUPERIOR</u>				
Keweenaw Waterway, MI	08/09	CHANGE TO OPERATING SCHEDULE	SPECIAL	15 NOV 09
Various Locations	16/09	GILL NET SURVEY	VARIOUS	30 JUN 09
<u>LAKE MICHIGAN</u>				
Chicago Harbor, IL	13/08	INOPERABLE STATUS	VARIOUS	TBD
Chicago, IL	11/09	BRIDGE CLOSURES FOR SPECIAL EVENTS	VARIOUS	21 NOV 09
Wolf River, WI	13/09	BRIDGE CLOSURE	24 HRS A DAY / 7 DAYS	TBD
Milwaukee, WI	16/09	DREDGING	24 HRS A DAY / 7 DAYS	20 DEC 09
Petoskey, MI	19/09	BREAKWALL REPAIRS	24 HRS A DAY / 7 DAYS	20 AUG 09
Green Bay Harbor	19/09	DREDGING	24 HRS A DAY / 7 DAYS	20 AUG 09

GREAT LAKES - GENERAL - MARINE EVENTS – SAFETY ZONES – SECURITY ZONES

Events listed below are those events that may have accompanying special local regulations. Mariners transiting these areas should contact the U.S. Coast Guard with any questions and are asked to exercise caution when navigating through the area of the event.

<u>Location</u>	<u>LNM</u>	<u>Events</u>	<u>Dates</u>	<u>Time (Local)</u>	<u>POC or Sponsor</u>	<u>Number</u>
<u>LAKE ONTARIO</u>						
Rochester, NY	11/09	Rochester Harborfest Boast Parade of Lights	26 JUN 09	2000-2200	James Farr	(585) 428-6866
Hamlin State Park	11/09	Shoreline Triathlon	26 JUL 09	0815-1100	David & Ellen Boutillier	(585) 697-3338
Sackets Harbor, NY	11/09	Can Am Festival Boat Parade	18 JUL 09	1300-1430	Timothy Scee	(315) 804-3161
Casino Island	11/09	Pirate Day Invasion	08-15 AUG 09	1400	Susan Boyer	(315) 482-9531
Oswego, NY	14/09	Oswego Yacht Club Weekly Races	MAY – DEC	1100-2200	John Gary	(315) 343-3127
Oswego, NY	14/09	Oswego Yacht Club Events	21 JUN 09	1000-1800	John Gary	(315) 343-3127
Oswego, NY	14/09	Oswego Yacht Club Events	04 JUL 09	1000-1800	John Gary	(315) 343-3127
Oswego, NY	14/09	Oswego Yacht Club Events	19 SEP 09	1000-1800	John Gary	(315) 343-3127
Oswego, NY	14/09	Oswego Yacht Club Events	10 OCT 09	1000-1800	John Gary	(315) 343-3127
Oswego, NY	14/09	Hospice Cup Regatta	13 JUN 09	0800-1900	John Gary	(315) 343-3127
Oswego, NY	14/09	Oswego Yacht Club All J Regatta	14-16 AUG 09	0800-1900	John Gary	(315) 343-3127
Oswego, NY	14/09	Oswego Yacht Club Sail Oswego Regatta	23-25 JUL 09	0800-1900	John Gary	(315) 343-3127
Liverpool, NY	14/09	Rochester Ontario Hobie Regatta	07-09 AUG 09	0900-1600	Michael Conway	(585) 392-5021
Sodus Bay, NY	14/09	2009 Lightning North American Championship	04-13 AUG 09	1030-1600	Tom Knapp	(315) 483-9550
Liverpool, NY	17/09	2009 Syracuse Hydrofest	20-21 JUN 09	0900-1700	Thomas Vielhauer	(315) 350-7662
Alexandria Bay, NY	17/09	Alexandria Bay Poker Run	20 JUN 09	1000-1600	Sheryl Mackey	(419) 702-4316
Henderson, NY	17/09	EYC 2009	9-11 JUL 09	1000-1500	Lee Cagwin	(315) 727-9449
Liverpool, NY	17/09	Toyota / Sea Doo US Regional Championship	18-19 JUN 09	0630-1700	AJ Handler	(585) 330-0742
Rochester, NY	18/09	Genesee Yacht Club 2009 Racing Season	MAY – OCT	1000-1200	Dave Overy	(585) 455-0350
Oswego, NY	19/09	Fireworks Display	05 JUL 09	2130-2215	Danielle Hayden	(315) 343-7681
Sackets Harbor, NY	19/09	Fireworks Display	04 JUL 09	2130-2200	Gertrude Karris	(315) 646-3548
Sackets Harbor, NY	19/09	Fireworks Display	18 JUL 09	2100-2200	Joel Derouin	(315) 767-1244
Sodus Point, NY	19/09	Fireworks Display	03 JUL 09	2200-2230	Frank Wackerle	(315) 573-2405
Rochester, NY	19/09	Fireworks Display	27 JUN 09	2000-2200	James Farr	(585) 428-6866
Rochester, NY	19/09	Fireworks Display	03 JUL 09	2200-2245	Martin Howden	(585) 964-2462
Tonawanda, NY	19/09	Fireworks Display	04 JUL 09	2115-2145	Ken Furstoss	(724) 510-6221
Clayton, NY	19/09	Fireworks Display	03 JUL 09	2200-2300	JoeyLynn Ramseier	(315) 778-8293
Cape Vincent, NY	19/09	Fireworks Display	11 JUL 09	2130-2230	Patricia Hinckley	(315) 654-4826
Alexandria Bay, NY	19/09	Fireworks Display	05 JUL 09	2100-2200	Susan Boyer	(315) 482-9531
Brewerton, NY	20/09	Fireworks Display	03 JUL 09	2130-2200	Nick Chervinsky	(315) 727-4318
Baldwinsville, NY	20/09	Fireworks Display	04 JUL 09	2145-2230	Bob Kesel	(315) 224-9212
Spencerport, NY	20/09	Canaligator Race	26 JUL 09	1400-1530	Peter O'Brien	(585) 617-6179
Syracuse, NY	20/09	Fireworks Display	26 JUN 09	2130-2230	Mary Beth Roach	(315) 582-7776
Rochester, NY	22/09	Rochester Yacht Club Race Season 2009	MAY-OCT	Various	Charles Ross	(585) 342-5511
Baldwinsville, NY	22/09	Blessing of the Fleet	20 JUN 09	1430-1530	Lee Wilder	(315) 491-6173
Sodus Bay, NY	22/09	2009 Lake Ontario Classic Boat Roundup	11 JUL 09	1300-1400	Robert Wood	(585) 330-5934
Sackets Hbr, NY	22/09	Hospice Charity Cup	01 AUG 09	1000-1600	Bob Wardwell	(315) 778-7299
Kendall, NY	23/09	Fireworks Display	03 JUL 09	2200-2220	Jim Freemesser	(585) 455-0999
Kendall, NY	23/09	Fireworks Display	07 SEP 09	2200-2220	Jim Freemesser	(585) 455-0999
Eighteen Mile Creek	23/09	Fireworks Display	03 JUL 09	2200-2225	Jane Voelpel	(716) 628-4007
Oswego, NY	23/09	Oswego Harbor Fest	25 JUL 09	2100-2200	Edward Rubio	(631) 312-1411
Port Bay, NY	23/09	Tom Graves Memorial	03 JUL 09	2100-2230	Harry DeKing	(315) 594-2691
Baldwinsville, NY	23/09	Seneca River Days	10 JUL 09	2130-2230	Ann Smiley	(315) 635-5999

GREAT LAKES - GENERAL - MARINE EVENTS – SAFETY ZONES – SECURITY ZONES

Events listed below are those events that may have accompanying special local regulations. Mariners transiting these areas should contact the U.S. Coast Guard with any questions and are asked to exercise caution when navigating through the area of the event.

<u>Location</u>	<u>LNM</u>	<u>Events</u>	<u>Dates</u>	<u>Time (Local)</u>	<u>POC or Sponsor</u>	<u>Number</u>
Baldwinsville, NY	23/09	Seneca River Days	11 JUL 09	0900-1700	Ann Smiley	(315) 635-5999
Chaumont, NY	23/09	Lyme Community Days	25-26 JUL 09	2100-2200	Guy Gosier	(315) 649-5452
<u>LAKE ERIE</u>						
Erie Basin Marina	11/09	Ira G. Ross Great Race	12-14 JUN 09	0900-1600	Timothy M. Hunt	(716) 440-7108
Erie, PA	11/09	Swim the Bay	20 JUN 09	0900-1100	Patricia Davis	(814) 450-9526
Lower Niagara River	11/09	Jack Beatty Hospice Memorial Regatta	10 JUL 09	24 HRS	Paul R. Beatty Jr.	(716) 745-7827
Grand Island, NY	11/09	Paddles up the Niagara	25 JUL 09	1200-1500	Dave Clark	(716) 628-3103
Buffalo, NY	11/09	BYC J/22 Raw Bar Regatta	26 JUL 09	0900-1630	James Franzek	(716) 839-0823
Buffalo, NY	11/09	Queen City and Mayor's Cup Regatta	07-09 AUG 09	0900-1700	Theodore Johnson	(716) 479-0719
North Tonawanda, NY	11/09	Thunder on the Niagara	29-30 AUG 09	1100-1800	Dan Kanfoush	(716) 284-9358
Buffalo, NY	11/09	Black Jack Run	01 AUG 09	1030-1400	Harry Bollman	(716) 860-4209
Grand Island, NY	11/09	Antique Boat Show	12 SEP 09	1000-1600	Tom Frauenheim	(716) 873-8288
Buffalo, NY	11/09	Buffalo HBR Sailing Club 2009 Race Season	17 MAY 09 – 30 SEP 09	VARIOUS	Chuck Chilcott	(716) 472-4916
Erie Canal, NY	12/09	Canal Duck Race	25 JUL 09	1500-1525	Lynne Smith	(716) 868-4241
Upper Niagara River	12/09	Western New York Fun Run	13 JUN 09	1000-1600	Humphrey Stinson	(716) 946-0332
Buffalo, NY	13/09	Boat Dances	12 JUN 09	1700-2100	Richard Butz	(716) 536-9912
Erie, PA	14/09	52 nd Annual Lake Erie interclub Cruise	27 JUN 09 – 01 JUL 09	0530-1900	Diane Mitra	(814) 882-6677
Toledo, OH	17/09	Great Lakes Single-handed Society Lake Erie Solo Challenge	29 AUG 09 – 02 SEP 09	24 HRS	Tom Munson	(734) 522-8124
Buffalo, NY	22/09	West Side invitational Regatta	12 JUL 09	0800-1600	Matt Logue	(716) 830-1399
Erie, PA	22/09	Key West Phest Boat Parade	08 AUG 09	1300-1400	Tom Madura	VHF-FM ch: 72
Erie, PA	23/09	MercyHurst Collage Old fashioned 4 th of July	04 JUL 09	2145-2215	David Rocco	(814) 870-1253

LAKE HURON

None Reported

LAKE SUPERIOR

None Reported

LAKE MICHIGAN

Holland, MI	22/09	Lake Macatawa Triathlon	13 JUN 09	0700-1200	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	22/09	Queen's Cup	26 JUN 09	1800-0600	Sector Lake Michigan	(414) 747-7182
St. Joseph, MI	22/09	LWF WWII Re-enactment Weekend	20 JUN 09	0800-1400	Sector Lake Michigan	(414) 747-7182
Chicago, IL	22/09	Port Huron and Chicago to Mackinac Island Solo Challenge	20-25 JUN 09	0800-TBD	Sector Lake Michigan	(414) 747-7182
South Haven, MI	22/09	Harbor Fest Dragon Boat Race	20-21 JUN 09	0600-1900	Sector Lake Michigan	(414) 747-7182
Green Bay, WI	22/09	International Bayfest Celebration Fireworks	12 JUN 09	2100-2300	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	22/09	Pridefest Fireworks	13 JUN 09	2115-2200	Sector Lake Michigan	(414) 747-7182
Spring Lake, MI	22/09	Spring Lake Heritage Festival Fireworks	20 JUN 09	2200-2300	Sector Lake Michigan	(414) 747-7182
Chicago, IL	22/09	Fireworks Display	10 JUN 09	2130-2145	Sector Lake Michigan	(414) 747-7182
Chicago, IL	22/09	Fireworks Display	13 JUN 09	2215-2230	Sector Lake Michigan	(414) 747-7182
Chicago, IL	22/09	Fireworks Display	17 JUN 09	2130-2145	Sector Lake Michigan	(414) 747-7182
Chicago, IL	22/09	Fireworks Display	20 JUN 09	2215-2230	Sector Lake Michigan	(414) 747-7182
Chicago, IL	22/09	Fireworks Display	24 JUN 09	2130-2145	Sector Lake Michigan	(414) 747-7182
Chicago, IL	22/09	Fireworks Display	27 JUN 09	2215-2230	Sector Lake Michigan	(414) 747-7182

GREAT LAKES - GENERAL - MARINE EVENTS – SAFETY ZONES – SECURITY ZONES

Events listed below are those events that may have accompanying special local regulations. Mariners transiting these areas should contact the U.S. Coast Guard with any questions and are asked to exercise caution when navigating through the area of the event.

<u>Location</u>	<u>LNМ</u>	<u>Events</u>	<u>Dates</u>	<u>Time (Local)</u>	<u>POC or Sponsor</u>	<u>Number</u>
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deceptive in violation of Section 5 of the FTC Act in its law enforcement actions be incorporated into a proposed FTC rule? If so, what conduct should be included, how should it be addressed, and why?

~~B. Should conduct by loan modification and foreclosure rescue service providers or advertisers that states have declared unlawful by statute or regulation or have challenged in law enforcement actions be incorporated into a proposed FTC rule? Why or why not? If so, what prohibitions and restrictions should be incorporated in a proposed FTC rule?~~

~~1. Some states require providers to create written contracts and include key disclosures in these contracts. Should the Commission impose the same or similar disclosure requirements in a proposed FTC rule? If so, what disclosures should be included and why?~~

~~2. Some states require providers to give consumers who enroll the right to rescind or cancel their agreements with the providers. Should the Commission include the same or similar rights of rescission or cancellation in a proposed rule? If so, what rescission and cancellation rights should be included and why?~~

~~3. Some states have restricted the type, amount, and timing of the fees charged and refunds given by providers of loan modification and foreclosure rescue services. In particular, some states ban advance fees until all services promised or contracted for are completed.~~

~~(i) Should the Commission address in a proposed FTC rule any fee or refunds practices of providers of loan modification and foreclosure rescue services? If so, what practices should be addressed, how they should be addressed, and why?~~

~~(ii) Should the Commission ban the payment of advance fees for loan modification and foreclosure rescue services in a proposed FTC rule? If so, why or why not? What effect, if any, would an advance fee ban have on the willingness or ability of loan modification and foreclosure rescue services providers to do business?~~

~~(iii) Should the Commission impose fee restrictions in a proposed FTC rule other than a ban on the advance fees that providers of loan modification and foreclosure rescue services receive? If so, what restrictions should be imposed and why? Would these restrictions prevent or mitigate the potential harm caused by payment of these fees? For example, to what extent might the possible harm from advance fees be prevented or mitigated by requiring~~

~~providers to make specific disclosures regarding the timing, amount, or allocation of fees? Additionally, to what extent might such harm be prevented or mitigated by requiring providers to make more general disclosures regarding the nature and material restrictions of their services (e.g., the disclosures regarding the likelihood of success, timing of services or negotiations with mortgage servicers, refund restrictions, or any potentially negative ramifications of using the service)?~~

~~4. Some states have foreclosure rescue laws which, in whole or in part, only apply once a consumer has received a notice of default. At what stage or stages of the process should a proposed FTC rule protect consumers? Should it take effect before consumers receive a notice of default, after the notice of default is received, or once foreclosure proceedings have begun? Why?~~

~~5. Please identify any other state restrictions or challenged conduct which should (or should not) be addressed in a proposed FTC rule, and explain why.~~

~~C. Are there any unfair or deceptive acts and practices by providers or advertisers of loan modification and foreclosure rescue services that neither the FTC nor the states have addressed that a proposed FTC rule should address? If so, how should these acts and practices be addressed and why?~~

~~4. Scope of Covered Entities~~

~~A. As described in the text, an FTC proposed rule would not cover banks, thrifts, federal credit unions, and non-profits. To what extent do these types of entities provide or advertise loan modification and foreclosure rescue services? To what extent do these entities compete with entities that an FTC proposed rule would cover and what effect would an FTC proposed rule have on such competition?~~

~~B. As described in the text, many states have exempted attorneys from laws (e.g., foreclosure consultant laws) which regulate the conduct of providers and advertisers of loan modification and foreclosure rescue services. What are the costs and benefits of exempting attorneys from these laws? What has been the effect of such exemptions on competition between attorneys and non-attorneys in providing or advertising loan modification and foreclosure rescue services? Should an FTC proposed rule include an exemption for attorneys or any other class of persons or entities? Why or why not?~~

~~By direction of the Commission:~~

~~Donald S. Clark~~

~~Secretary~~

~~{FR Doc. E9-12596 Filed 5-29-09; 8:45 am}~~

~~BILLING CODE 6750-01-S~~

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[USCG-2009-0127]

RIN 1625-AA00

Safety Zones: Annual Events Requiring Safety Zones in the Captain of the Port Duluth Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishment of safety zones for annual events in the Captain of the Port Duluth Zone. This rule proposes removal of a safety zone currently located in part 100, and the addition of it to part 165. Further, this rule proposes new safety zones to be added to part 165. These safety zones are necessary to protect spectators, participants, and vessels from the hazards associated with fireworks displays.

DATES: Comments and related materials must reach the Coast Guard on or before July 1, 2009.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG-2009-0127 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online:* <http://www.regulations.gov>.

(2) *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.

(3) *Hand Delivery:* Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(4) *Fax:* 202-493-2251.

FOR FURTHER INFORMATION CONTACT: LT Aaron Gross, Chief of Port Operations U.S. Coast Guard Sector Duluth; (218) 720-5286 Ext. 111.

I. 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. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility.

A. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2009–0127), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name, mailing address, and an e-mail address or other contact information in the body of your document to ensure that you can be identified as the submitter. This also allows us to contact you in the event further information is needed or if there are questions. For example, if we cannot read your submission due to technical difficulties and you cannot be contacted, your submission may not be considered. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**, but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them 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. We may change this proposed rule in view of them.

B. 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> at any time, click on “Search for Dockets,” and enter the docket number for this rulemaking (USCG–2009–0127) in the Docket ID box, and click enter. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

C. 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).

SUPPLEMENTARY INFORMATION:

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commanding Officer, Coast Guard Marine Safety Unit Duluth at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one 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

This rule proposes the removal of the “Duluth Fourth Fest Fireworks” safety zone currently published in § 100.901 and adding it to proposed § 165.945. The Coast Guard proposes this change in an effort to consolidate all Captain of the Port Duluth Zone 4th of July fireworks display safety zones. Additionally, in § 165.945 we propose adding safety zones for fireworks in support of the Cornucopia Fireworks display, Cornucopia, Wisconsin; City of Bayfield Fireworks display, Bayfield, Wisconsin; Madeline Island Fireworks display, LaPointe, Wisconsin; and the Ashland Fireworks display, Ashland, Wisconsin. These safety zones are necessary to protect vessels and people from the hazards associated with fireworks displays. Such hazards include obstructions to the waterway, the explosive danger of fireworks and falling debris.

Discussion of Proposed Rule

The proposed rule is necessary to ensure the safety of vessels and people during annual firework events in the Captain of the Port Duluth area of responsibility that may pose a hazard to the public. This rule proposes the removal of a regulation currently published in 33 CFR 100.901 under Sector Sault Ste. Marie, and the addition of it to proposed § 165.945. It also proposes the addition of four new events never before published in the CFR. All of the events listed occur in the Captain of the Port Duluth Zone.

The proposed safety zones will be enforced only immediately before, during, and after the aforementioned events.

The Captain of the Port Duluth will notify the public that the zones in this proposal will be enforced by all appropriate means to the affected segments of the public including publication in the **Federal Register**. Such means of notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is cancelled.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth, or his designated representative. The Captain of the Port or his designated representative may be contacted via VHF Channel 16.

Regulatory Evaluation

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 proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

The Coast Guard’s use of these safety zones will be periodic and of short duration. These safety zones will only be enforced immediately before, during, and after the time the events occur. The Coast Guard expects insignificant adverse impact to mariners from the activation of these safety zones.

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 of operators of vessels intending to transit or anchor in the areas designated as safety zones in subparagraphs (1) through (5) during the dates and times the safety zones are being enforced.

These safety zones would not have a significant economic impact on a substantial number of small entities for the following reasons: This proposed rule would be in effect for short periods of time, and only once per year, per zone. The safety zones have been designed to allow traffic to pass safely around the zone whenever possible and vessels will be allowed to pass through the zones with the permission of the Captain of the Port.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed 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 proposed 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 proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LT Aaron Gross, Chief of Port Operations, Coast Guard Marine Safety Unit Duluth, Duluth, MN at (218) 720–5286 Ext 111. 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 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 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 will not result in such expenditure, we nevertheless discuss its effects elsewhere in this preamble.

Taking of Private Property

This proposed rule will not effect the 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 proposed 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

The Coast Guard recognizes the treaty rights of Native American Tribes. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies and to mitigate tribal concerns. We have determined that this rule and fishing rights protection need not be incompatible. We have also determined that this proposed 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. Nevertheless, Indian Tribes that have questions concerning the provisions of this proposed rule or options for compliance are encouraged to contact

the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

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 Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 023–01, 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 that this action is not likely to have a significant effect on the human environment. An environmental analysis checklist supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

For the reasons discussed in the preamble, the Coast Guard proposes to

amend 33 CFR parts 100 and 165 as follows:

List of Subjects

33 CFR Part 100

Regattas and Marine Parades.

33 CFR Part 165

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

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

§ 100.901 [Amended]

2. In Table 1 to § 100.901 Table, under the entry for "Sector Saulte Ste. Marie, MI" remove the following: "Duluth Fourth Fest Fireworks.

Sponsor: Office of the Mayor, Duluth, MN.

Date: 4th of July weekend.

Location: That portion of the Duluth Harbor Basin Northern Section bounded on the south by a line drawn on a bearing of 087° true from the Cargill Pier through Duluth Basin Lighted Buoy #5 (LLNR 15905) to the opposite shore on the north by the Duluth Aerial Bridge. That portion of Duluth Harbor Basin Northern Section within 600 yards of position 46°46'47" N 092°06'10" W."

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

3. 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, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

4. Add § 165.945 to read as follows:

§ 165.945 Safety Zones; Annual Fireworks Events in the Captain of the Port Duluth Zone.

(a) *Safety Zones.* The following areas are designated Safety zones.

(1) *Duluth Fourth Fest, Duluth, MN.*

(i) *Location.* All waters of the Duluth Harbor Basin Northern Section within 600 yards of position 46°46'47" N, 092°06'10" W.; at Duluth, MN. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is enforced from 7 p.m. to 11 p.m. on July 4 of each year.

(2) *Cornucopia Fireworks, Cornucopia, WI.* (i) *Location.* All waters of Lake Superior bounded by the arc of a circle within a 100-foot radius from the Fireworks launch site with its center position: 46°48'36" N, 090°48' 36" W.; at Cornucopia, WI. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is enforced from 9 p.m. to 11 p.m. on July 4 of each year.

(3) *City of Bayfield Fireworks, Bayfield, WI.* (i) *Location.* All waters of Lake Superior bounded by the arc of a circle with a 100-foot radius from the Fireworks launch site with its center in position: 46°48' 36" N, 090°48' 36" W.; Bayfield, WI. (DATUM: NAD 83).

(ii) *Enforcement date.* This paragraph is enforced from 9 p.m. to 11 p.m. on July 4 of each year.

(4) *Madeline Island Fireworks, LaPointe, WI.* (i) *Location.* All waters of Lake Superior bounded by the arc of a circle with a 250-foot radius from the fireworks launch site with its center in position: 46°46'42" N, 090°47'18" W.; at Lapointe, WI. (DATUM: NAD 83).

(ii) *Enforcement date.* This paragraph is enforced from 9:15 p.m. to 10:30 p.m. on July 4 of each year.

(5) *Ashland Fireworks, Ashland, WI.* (i) All waters of Lake Superior, near Ashland, Wisconsin, bounded by the arc of a circle with a 250-foot radius from the Fireworks launch site with its center in position: 46°46'42" N, 090°47'18" W.; Ashland, WI. (DATUM: NAD 83).

(ii) *Enforcement date.* This paragraph is enforced from 9 p.m. to 11 p.m. on July 4 of each year.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative* means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Duluth to monitor a safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zones, and take other actions authorized by the Captain of the Port.

(2) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Duluth, or his designated representative.

(2)(i) These safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port, or his designated representative.

(ii) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port, or his designated representative.

(iii) Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3)(i) All vessels must obtain permission from the Captain of the Port,

or his designated representative to enter, move within, or exit the safety zone established in this section when this safety zone is enforced.

(ii) Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port or a designated representative.

(iii) While within a safety zone, all vessels must operate at the minimum speed necessary to maintain a safe course.

(d) *Exemption.* Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the Captain of the Port Duluth, or his designated representative may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of public or environmental safety.

(f) *Notification.* The Captain of the Port Duluth will notify the public by all appropriate means that the zones in this proposal will be enforced. Notification may include publication in the **Federal Register**, Broadcast Notice to Mariners, or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is cancelled.

Dated: May 19, 2009.

M.P. Lebsack,

Commander, U.S. Coast Guard, Captain of the Port Duluth.

[FR Doc. E9-12603 Filed 5-29-09; 8:45 am]

BILLING CODE 4910-15-P

~~ENVIRONMENTAL PROTECTION AGENCY~~

~~40-CFR Part 52~~

~~[EPA-R04-OAR-2008-0797-200824(b); FRL-8911-4]~~

~~Approval and Promulgation of Air Quality Implementation Plans: South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for Cherokee County~~

~~AGENCY: Environmental Protection Agency (EPA);~~

~~ACTION: Proposed rule.~~

~~SUMMARY: EPA is proposing to approve a revision to the South Carolina State Implementation Plan (SIP) concerning the maintenance plan addressing the~~

Environment

~~We have analyzed this proposed rule under Department of Homeland Security Management Directive 0023.1, and Commandant Instruction M16475.1D which guides 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 that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment because it simply promulgates the operating regulations or procedures for drawbridges. 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 117

~~Bridges.~~

Regulations

~~For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:~~

PART 117—DRAWBRIDGE OPERATION REGULATIONS

~~1. The authority citation for part 117 continues to read as follows:~~

~~**Authority:** 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g).~~

~~2. Revise § 117.337 as follows:~~

§ 117.337 Trout River.

~~The draw of the CSX Railroad Bridge across the Trout River, mile 0.9 at Jacksonville, operates as follows:~~

~~The bridge is not tender.~~

~~(a) The draw is normally in the fully open position, displaying green lights to indicate that vessels may pass.~~

~~(b) As a train approaches, provided the scanners do not detect a vessel under the draw, the lights change to flashing red and a horn continuously sounds while the draw closes. The draw remains closed until the train passes.~~

~~(c) After the train clears the bridge, the lights continue to flash red and the horn again continuously sounds while the draw opens, until the draw is fully open and the lights return to green.~~

~~Dated: May 12, 2009.~~

R.S. Branham,

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

~~[FR Doc. E9–12979 Filed 6–3–09; 8:45 am]~~

~~BILLING CODE 4910–15–P~~

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket No. USCG–2009–0342]

RIN 1625–AA00

Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend 33 CFR Part 165 to amend the rules that restrict vessels from portions of water areas during events that pose a hazard to public safety. The safety zones proposed in this rulemaking are necessary to protect spectators, participants, and vessels from the hazards associated with fireworks displays, air shows, and other events.

DATES: Comments and related materials must reach the Coast Guard on or before July 6, 2009.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2009–0342 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online:* <http://www.regulations.gov>.

(2) *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.

(3) *Hand Delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call BM2 Adam Kraft, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7154. 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–2009–0342), 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 as having been 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–2009–0342” 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–2009–0342 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 one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one 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

This rule proposes the amendment of regulations in § 165.929, Annual Events requiring safety zones in the Captain of the Port Lake Michigan zone. This rule proposes the removal of three events that do not require establishment of a safety zone; revising the location of three safety zones, revising the enforcement date and time of two safety zones; and the addition of three recurring safety zones. These safety zones are necessary to protect vessels and people from the hazards associated with fireworks displays. Such hazards include obstructions to the waterway that may cause marine casualties and the explosive danger of fireworks and debris falling into the water that may cause death or serious bodily harm.

Discussion of Proposed Rule

The proposed rule and associated safety zones are necessary to ensure the safety of vessels and people during events in the Captain of the Port Lake Michigan area of responsibility that may pose a hazard to the public. The proposed safety zones will be enforced only immediately before and during events that pose a hazard to the public. If the event concludes prior to the scheduled termination time, the Coast Guard will cease enforcement of the safety zone and will announce that fact via Broadcast Notice to Mariners or Local Notice to Mariners.

Regulatory Evaluation

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.

The Coast Guard’s use of these safety zones will be periodic in nature, of short duration, and designed to minimize the impact on navigable waters. These safety zones will only be enforced immediately before and during the time the events are occurring. Furthermore, these safety zones have been designed to allow vessels to transit unrestricted to portions of the waterways not affected by the safety zones. The Coast Guard expects insignificant adverse impact to mariners from the activation of these safety zones.

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 and operators of vessels intending to transit or anchor in the areas designated as safety zones during the dates and times the safety zones are being enforced. These safety zones would not have a significant economic impact on a substantial number of small entities for the following reasons. The safety zones in this proposed rule would be in effect for short periods of time and only once per year. The safety zones have been designed to allow traffic to pass safely around the zone whenever possible and vessels will be allowed to pass through the zones with the permission of the Captain of the Port.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed 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 BM2 Adam Kraft, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7154. 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 proposed 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 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 will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

Taking of Private Property

This proposed rule will not effect the 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 proposed 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

The Coast Guard recognizes the treaty rights of Native American Tribes. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies and to mitigate tribal concerns. We have determined that these safety zones and fishing rights protection need not be incompatible. We have also determined that this Proposed 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. Nevertheless, Indian Tribes that have questions concerning the provisions of this Proposed Rule or options for compliance are encouraged to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

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 Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 023-01, 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 that this action is not likely to have a significant effect on the human environment. A preliminary environmental analysis check list supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. 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 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

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, 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. In § 165.929 make the following amendments:

- a. In paragraph (a)(4), revise paragraph (ii).
- b. In paragraph (a)(11), revise paragraph (i).

c. In paragraph (a)(15), revise paragraph (ii).

d. In paragraph (a)(26), revise paragraph (i).

e. In paragraph (a), revise paragraph (33).

f. In paragraph (a), remove and reserve paragraph (37).

g. In paragraph (a), revise paragraph (38).

h. In paragraph (a)(49), revise paragraph (i).

i. In paragraph (a), add paragraph (67). The amendments read as follows:

§ 165.929 Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone.

(a) * * *

(4) * * *

(ii) *Enforcement date and time.* The second Saturday of May; 8 a.m. to 5 p.m.

* * * * *

(11) * * *

(i) *Location.* All waters of the Grand River within the arc of a circle with a 500-foot radius from the fireworks launch site located on a barge in position 43°04'24" N, 086°12'17" W (NAD 83).

* * * * *

(15) * * *

(i) * * *

(ii) *Enforcement date and time.* July 3; 9 p.m. to 11 p.m., July 4; 9 p.m. to 11 p.m., and July 5; 9 p.m. to 11 p.m.

* * * * *

(26) * * *

(i) *Location.* All waters of Muskegon Lake within the arc of a circle with a 1,000-foot radius from a fireworks launch site located on a barge in position 43°14'13" N, 086°15'54" W (NAD 83).

* * * * *

(33) *New Buffalo Independence Day Fireworks; New Buffalo, IN.*

(i) *Location.* All waters of Lake Michigan and New Buffalo Harbor within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 41°48'09" N, 086°44'49" W (NAD 83).

(ii) *Enforcement date and time.* The first Friday after July 4; 9 p.m. to 11 p.m.

* * * * *

(37) [Reserved]

(38) *Gills Rock July 4th Fireworks; Gills Rock, WI.*

(i) *Location.* All waters of Green Bay, in the vicinity of Hedgehog Harbor, within the arc of a circle with a 800-foot radius from the fireworks launch site located on a in position 45°17'20" N, 087°01'32" W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks

are cancelled due to inclement weather, then this section will be enforced July 5; 9 p.m. to 11 p.m.

* * * * *

(49) * * *

(i) *Location.* All waters of Muskegon Lake within the arc of a circle with a 1,000-foot radius from a fireworks barge located in position 43°14'13" N, 086°15'54" W (NAD 83).

* * * * *

(67) *Sister Bay Marina Fest Fireworks; Sister Bay, WI.*

(i) *Location.* All waters of Green Bay, in the vicinity of Sister Bay, within the arc of a circle with a 800-foot radius from the fireworks launch site located on a boat in position 45°11'30" N, 087°07'20" W (NAD 83).

(ii) *Enforcement date and time.* The Saturday prior to Labor Day; 9 p.m. to 11 p.m.

* * * * *

Dated: May 7, 2009.

Bruce C. Jones,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. E9-12985 Filed 6-3-09; 8:45 am]

BILLING CODE 4910-15-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

~~[DA 09-1126; MB Docket No. 08-117; RM-11450]~~

Television Broadcasting Services; St. Paul, MN

~~AGENCY: Federal Communications Commission.~~

~~ACTION: Dismissal.~~

~~SUMMARY: The Commission dismisses the pending rulemaking petition filed by Twin Cities Public Television, Inc. ("Twin Cities"), the licensee of noncommercial educational station KTCL-TV, analog channel *17 and KTCL-DT, pre-transition digital channel *16, and permittee of post-transition digital channel *26, St. Paul, Minnesota, to substitute digital channel *38 for its assigned post-transition digital channel *26. Duluth Superior Area Educational Television Corporation ("Duluth Superior"), the licensee of noncommercial educational station WDSE-TV/DT, Duluth, Minnesota, filed comments and a counterproposal in the proceeding. Twin Cities and Duluth Superior subsequently came to a Commission approved agreement by which Duluth Superior agreed to withdraw its counterproposal and Twin~~

~~Cities agreed to request a different post-transition digital channel substitution.~~

FOR FURTHER INFORMATION CONTACT:

~~Joyce L. Bernstein, Media Bureau, (202) 418-1600.~~

~~SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order, MB Docket No. 08-117, adopted May 18, 2009, and released May 22, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/ecfs/>). Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to fcc504@fcc.gov or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.~~

~~This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Order to the Government Accountability Office, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A) since this proposed rule is dismissed, herein.)~~

~~Federal Communications Commission.
Clay C. Pendarvis,
Associate Chief, Video Division, Media Bureau.~~

~~[FR Doc. E9-13052 Filed 6-3-09; 8:45 am]~~

~~BILLING CODE 6712-01-P~~

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

~~[DA 09-1125; MB Docket No. 09-71; RM-11533]~~

Television Broadcasting Services; St. Paul, MN

~~AGENCY: Federal Communications Commission.~~

~~ACTION: Proposed rule.~~

~~SUMMARY: The Commission requests comments on a channel substitution proposed by Twin Cities Public Television, Inc. ("Twin Cities"), the licensee of noncommercial educational station KTCL-TV, analog channel *17 and KTCL-DT, pre-transition digital channel *16, and permittee of post-transition digital channel *26, St. Paul, Minnesota. Twin Cities requests the substitution of digital channel *23 for its assigned post-transition digital channel *26 at St. Paul.~~

~~DATES: Comments must be filed on or before June 19, 2009, and reply comments on or before June 29, 2009.~~

~~ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Lawrence Miller, Esq., Schwartz, Woods & Miller, Suite 610, The Lion Building, 1233 20th Street, NW., Washington, DC 20036-7322.~~

FOR FURTHER INFORMATION CONTACT:

~~Joyce L. Bernstein,
joyce.bernstein@fcc.gov, Media Bureau,
(202) 418-1600.~~

~~SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 09-71, adopted May 18, 2009, and released May 22, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/ecfs/>). Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio~~

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1) remove the entry for “Jazz Pharmaceuticals, Inc.” and alphabetically add a new entry for “Paladin Labs, Inc.”; and in the table in paragraph (c)(2) remove the entry for “068727” and numerically add a new entry for “046129” to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * *	* *
Paladin Labs (USA), Inc., 160 Greentree Dr., suite 101, Dover, DE 19904	046129
* * *	* *

(2) * * *

Drug labeler code	Firm name and address
* *	* * *
046129	Paladin Labs (USA), Inc., 160 Greentree Dr., suite 101, Dover, DE 19904
* *	* * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM—NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.1004 [Amended]

■ 4. In paragraph (b) of § 522.1004, remove “068727” and add in its place “046129”.

Dated: June 1, 2009.

Bernadette Dunham,
Director, Center for Veterinary Medicine.
[FR Doc. E9-13126 Filed 6-4-09; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2009-0385]

RIN 1625-AA09

Drawbridge Operation Regulation; Sturgeon Bay Ship Canal, Sturgeon Bay, WI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard proposes to temporarily revise the operating regulations for the Maple-Oregon Bridge at Mile 4.17 over the Sturgeon Bay Ship Canal in Sturgeon Bay, WI. This action was requested by the Wisconsin Department of Transportation (Wisconsin DOT) to facilitate vehicular traffic in downtown Sturgeon Bay during the rehabilitation of the Michigan Street Bridge at Mile 4.30 over the Sturgeon Bay Ship Canal. This final rule is expected to reflect the need for bridge openings for the Maple-Oregon Bridge during the Michigan Street Bridge rehabilitation and still provide for the reasonable needs of navigation.

DATES: This temporary final rule is effective from 6 a.m. on June 1, 2009 to 6 p.m. on November 15, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket USCG-2009-0385 and are available by going to <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG-2009-0385 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is 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 Blair Stanifer, Bridge Management Specialist, Coast Guard Ninth District; telephone 216-902-6086, e-mail: William.B.Stanifer@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 request to revise the operating schedule for this temporary final rule included extensive preliminary coordination with known affected marine entities, Wisconsin DOT, and the City of Sturgeon Bay, WI, and resulted in a temporary drawbridge schedule that would not significantly impact either vehicular traffic or known navigation.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. As noted above the Coast Guard has conducted extensive preliminary coordination with known affected marine entities, the Wisconsin DOT and the City of Sturgeon Bay, WI and determined that the impact on navigation will be minimal as the bridge will continue to open on demand for commercial vessels and public vessels and on the hour for recreational vessels from March 15 through December 31, and from January 1 through March 14, for any vessel provided at least notice is given at least 12 hours advance. This is the same schedule under which the Michigan Street Bridge currently operates under 33 CFR 117.1101. During renovation the Michigan Street Bridge will remain in the open position and vehicular traffic is expected to use the Maple-Oregon Bridge as an alternate route. Repeated openings would likely cause significant congestion on the vehicular approaches to the bridge. Hourly openings will allow vehicular traffic to plan accordingly and will minimally affect recreational vessels.

Background and Purpose

Wisconsin DOT requested a temporary change to the operating schedule of the Maple-Oregon Bridge at Mile 4.17 over the Sturgeon Bay Ship Canal to facilitate the rehabilitation of the Michigan Street Bridge. The Maple-Oregon Double-Leaf Bascule Bridge navigation span provides for a design clearance of 25 feet above Mean Low

Water in the closed to navigation position. The waterway carries commercial, recreational and public vessel traffic. The bridge is normally required to open on signal for vessels year-round under the general provisions of 33 CFR 117.5. In order to perform the rehabilitation to the Michigan Street Bridge with a minimum of disruptions, Wisconsin DOT has requested that the Maple-Oregon Bridge be required to open for recreational vessels only on the hour, 24 hours a day, seven days a week, between March 15 and December 31. The Maple-Oregon Bridge will continue to open on demand for commercial and public vessels during this period. Between January 1 and March 14, the Maple-Oregon Bridge will open if notice is provided at least 12 hours in advance of a vessel's time of intended passage. As the Michigan Street Bridge currently operates under this schedule as outlined in 33 CFR 117.1101, Wisconsin DOT feels that operating the Maple-Oregon Bridge with this schedule will maintain the expectations of the waterway users and vehicular traffic while the Michigan Street Bridge is rehabilitated in the open to navigation position. The request from Wisconsin DOT also included undefined periods of time where the Maple-Oregon Bridge would not be required to open for any vessel as work being performed on the Michigan Street Bridge would necessitate the occasional, short-term closing of the waterway. The dates of these closure periods can not, and have not, been identified due to the nature of the work, but Wisconsin DOT is required to provide those dates to the Coast Guard 10–14 days in advance of anticipated closure periods. The Coast Guard will issue Broadcast and Local Notices to Mariners covering those dates when they have been finalized.

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 is not “significant” under the regulatory policies and procedures of the Department of Homeland Security. The temporary

drawbridge schedule still provides for the passing of vessels throughout the entire proposed work period. The unspecified closure periods, which are necessary for a limited amount of rehabilitation work being performed on the Michigan Street Bridge, will be published as early as possible in the Ninth Coast Guard District Local and/or Broadcast Notice to Mariners prior to the work beginning.

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 recreational vessels intending to transit the bridge from 6 a.m. on June 1, 2009 to 6 p.m. on November 15, 2010, and marine facilities that provide services for recreational vessels. However, this action will not have a significant economic impact on a substantial number of small entities for the following reasons. The Maple-Oregon Bridge was designed to pass a substantial amount of waterway users without the need for an opening. Vessels that can safely transit under the bridge may do so at any time. The remaining vessels will still be granted openings once an hour on the hour, twenty-four hours a day. Before the effective period, we will issue maritime advisories widely available to users of the river.

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 would not create an environmental risk to health or risk to safety that might 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 0023.1 and Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that 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 (32)(e), of the Instruction.

Under figure 2-1, paragraph (32)(e), 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 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

■ 2. From 6 a.m. on June 1, 2009 to 6 p.m. on November 15, 2010, temporarily add paragraph (c) to § 117.1101 to read as follows:

§ 117.1101 Sturgeon Bay.

* * * * *

(c) The draw of the Maple-Oregon Bridge at Mile 4.17 at Sturgeon Bay, shall operate as follows:

(1) From June 1 through December 31, 2009, and from March 15 through November 15, 2010 the draw need open for recreational vessels only on the hour, 24 hours a day.

(2) Commercial and Public vessels shall be passed at all times.

(3) From January 1 through March 14, 2010, the draw shall open on signal for all vessels if notice is given at least 12 hours in advance of a vessel's intended time of passage.

Dated: May 18, 2009.

D.R. Callahan,

Captain, U.S. Coast Guard, Commander, Ninth Coast Guard District, Acting.

[FR Doc. E9-13103 Filed 6-4-09; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2009-0120]

RIN 1625-AA00

Safety Zone; Coronado Fourth of July Fireworks; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: ~~The Coast Guard is establishing a temporary safety zone on the navigable waters of the San Diego Bay in support of the Coronado Fourth of July Fireworks. This temporary safety zone is necessary to provide for the safety of crew, spectators, and other users and vessels of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this temporary safety zone unless authorized by the Captain of the Port or his designated representative.~~

DATES: ~~This rule is effective from 8:45 p.m. to 9:30 p.m. on July 4, 2009.~~

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-2009-0120 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-2009-0120 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is 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 Petty Officer Kristen Beer, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619-278-7262, e-mail Kristen.A.Beer@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

~~On April 27, 2009, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Coronado Fourth of July Fireworks; San Diego Bay, San Diego, CA in the Federal Register (74 FR 19034). We received no comments on the proposed rule. No public meeting was requested, and none was held.~~

Background and Purpose

~~Coronado 4th of July, Inc. is sponsoring the Coronado Fourth of July Fireworks, which will include a fireworks presentation originating from a barge located in Glorietta Bay at approximately 32°40.68' N, 117°10.18' W. The safety zone will encompass all navigable waters within 1200 feet of the~~

~~Federal Food, Drug, and Cosmetic Act dealing with adulterated foods.~~

~~* * * * *~~

■ 3. Section 129.80 is amended by revising paragraph (g)(1) to read as follows:

§ 129.80 Processes and controls.

~~* * * * *~~

~~(g) * * *~~

~~(1) For bacteriological purposes, take and analyze at least once a week for total coliform a representative sample from a batch or segment of a continuous production run for each type of bottled drinking water produced during a day's production. The representative sample shall consist of primary containers of product or unit packages of product. If any coliform organisms are detected, follow-up testing must be conducted to determine whether any of the coliform organisms are *E. coli*.~~

~~* * * * *~~

PART 165—BEVERAGES

■ 4. The authority citation for 21 CFR part 165 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 343, 343-1, 348, 349, 371, 379e.

■ 5. Section 165.110 is amended by revising paragraphs (b)(2), (b)(3) introductory text, (c)(1), and (d) to read as follows:

§ 165.110 Bottled water.

~~* * * * *~~

~~(b) * * *~~

~~(2) *Microbiological quality.* (i) Bottled water shall, when a sample consisting of analytical units of equal volume is examined by the methods described in paragraph (b)(2)(ii) of this section, meet the following standards of microbiological quality:~~

~~(A) *Total coliform—(1) Multiple tube fermentation (MTF) method.* Not more than one of the analytical units in the sample shall have a most probable number (MPN) of 2.2 or more coliform organisms per 100 milliliters and no analytical unit shall have an MPN of 9.2 or more coliform organisms per 100 milliliters; or~~

~~(2) *Membrane filter (MF) method.* Not more than one of the analytical units in the sample shall have 4.0 or more coliform organisms per 100 milliliters and the arithmetic mean of the coliform density of the sample shall not exceed one coliform organism per 100 milliliters.~~

~~(B) *E. coli.* If *E. coli* is present, then the bottled water will be deemed adulterated under paragraph (d) of this section.~~

~~(ii) Analyses conducted to determine compliance with paragraphs (b)(2)(i)(A)~~

~~and (b)(2)(i)(B) of this section and § 129.35(a)(3)(i) of this chapter shall be made in accordance with the multiple-tube fermentation (MTF) or the membrane filter (MF) methods described in the applicable sections of "Standard Methods for the Examination of Water and Wastewater," 21st Ed. (2005), American Public Health Association. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the American Public Health Association, 800 I St. NW., Washington, DC 20001, 202-777-2742 (APHA). You may inspect a copy at the Center for Food Safety and Applied Nutrition's Library, 5100 Paint Branch Pkwy., College Park, MD 20740, 301-436-2163, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/code-of-federal-regulations/ibr-locations.html>.~~

~~(3) *Physical quality.* Bottled water shall, when a composite of analytical units of equal volume from a sample is examined by the method described in applicable sections of "Standard Methods for the Examination of Water and Wastewater," 15th Ed. (1980), American Public Health Association, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 (copies may be obtained from the American Public Health Association, 800 I St. NW., Washington, DC 20001, 202-777-2742 (APHA), or a copy may be examined at the National Archives and Records Administration (NARA), or at the Center for Food Safety and Applied Nutrition's Library, 5100 Paint Branch Pkwy., College Park, MD 20740, 301-436-2163, for information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/code-of-federal-regulations/ibr-locations.html>), meet the following standards of physical quality:~~

~~* * * * *~~

~~(c) *Label statements.* * * *~~

~~(1) "Contains Excessive Bacteria" if the bottled water fails to meet the requirements of paragraph (b)(2)(i)(A) of this section.~~

~~* * * * *~~

~~(d) *Adulteration.* Bottled water containing a substance at a level considered injurious to health under section 402(a)(1) of the Federal Food, Drug, and Cosmetic Act (the act), or that consists in whole or in part of any~~

~~filthy, putrid, or decomposed substance, or that is otherwise unfit for food under section 402(a)(3) of the act is deemed to be adulterated, regardless of whether or not the water bears a label statement of substandard quality prescribed by paragraph (c) of this section. If *E. coli* is present in bottled water, then the bottled water will be deemed adulterated under section 402(a)(3) of the act.~~

Dated: May 21, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

{FR Doc. E9-12494 Filed 5-26-09; 8:45 am}

BILLING CODE 4160-01-S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2009-0391]

RIN 1625-AA00

Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Navy Pier Southeast Safety Zone in Chicago Harbor from May 2009 through June 2009. This action is necessary to protect vessels and people from the hazards associated with fireworks displays. During the enforcement period, no person or vessel may enter the security zone without the permission of the Captain of the Port Lake Michigan Zone.

DATES: The regulations in § 165.931 will be enforced from May 23, until June 27, 2009.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail BM2 Kraft, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747-7154, e-mail adam.d.kraft@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL in 33 CFR 165.931 for the following events during the dates and times indicated below:

(1) *Navy Pier Sunday Fireworks;* on May 24, 2009 from 9:15 p.m. through 9:45 p.m.

(2) *Navy Pier Wednesday Fireworks;* on May 27, 2009 from 9:15 p.m. through 9:45 p.m.; on June 3, 2009 from 9:15

p.m. through 9:45 p.m.; on June 10, 2009 from 9:15 p.m. through 9:45 p.m.; on June 17, 2009 from 9:15 p.m. through 9:45 p.m.; on June 24, 2009 from 9:15 p.m. through 9:45 p.m.

(3) *Navy Pier Saturday Fireworks*; on May 23, 2009 from 10 p.m. through 10:40 p.m.; on May 30, 2009 from 10 p.m. through 10:40 p.m.; on June 6, 2009 from 10 p.m. through 10:40 p.m.; on June 13, 2009 from 10 p.m. through 10:40 p.m.; on June 20, 2009 from 10 p.m. through 10:40 p.m.; on June 27, 2009 from 10 p.m. through 10:40 p.m.

All vessels must obtain permission from the Captain of the Port or his designated representative to enter, move within or exit the safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice is issued under authority of 33 CFR 165.931 Safety Zone, Chicago Harbor, Navy Pier Southeast, Chicago, IL. (published on June 13, 2007 at 72 FR 32520) and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will also issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is suspended. The Captain of the Port may be contacted via U.S. Coast Guard Sector Lake Michigan on channel 16, VHF-FM.

Dated: May 14, 2009.

Bruce C. Jones,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. E9-12602 Filed 5-28-09; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

~~[EPA-HQ-OAR-2002-0071; FRL-8910-5]~~

~~RIN-2060-AP13~~

Update of Continuous Instrumental Test Methods; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA published a final rule in the **Federal Register** on May 22, 2008,

that made technical corrections to five test methods. Inadvertent printing errors were made in the publication. Text insertions were misplaced, duplicate insertions were made, and the definition for system bias was inadvertently revised. The purpose of this action is to correct these errors.

DATES: This correction is effective on June 29, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Foston Curtis, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143-02), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-1063; fax number (919) 541-0516; e-mail address: curtis.foston@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Summary of Amendment

EPA promulgated revisions to continuous instrumental test methods on May 22, 2008, where a number of technical amendments were made to five test methods. Several of the revisions were added to the text in the wrong places and in some cases duplicate insertions were made. The definition for system bias was also inadvertently revised. This action corrects those publication errors.

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the Agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment because only simple publication errors are being corrected that do not substantially change the Agency actions taken in the final rule. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(3)(B). (See also the final sentence of section 307(d)(1) of the Clean Air Act (CAA), 42 U.S.C. 307(d)(1), indicating that the good cause provisions in subsection 553(b) of the APA continue to apply to this type of rulemaking under section 307(d) of the CAA.)

II. Statutory and Executive Order Reviews

Under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the

Office of Management and Budget. This action is not a "major rule" as defined by 5 U.S.C. 804(2). The technical corrections do not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Because EPA has made a "good cause" finding that this action is not subject to notice and comment requirements under the APA or any other statute (see Section II), it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4]. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA.

This action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000). This correction also is not subject to Executive Order 13045, Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) because it is not economically significant.

This technical correction does not involve changes to the technical standards related to test methods or monitoring requirements; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply.

This technical correction also does not involve special consideration of environmental justice related issues as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (59 FR 7629, February 16, 1994).

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the U.S. Section 808 allows the issuing Agency to make a rule effective sooner than otherwise provided by the CRA if the Agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This