



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

LOCAL NOTICE TO MARINERS

District: 9

Week: 30/09

Issued by: Commander (dpw)
Ninth Coast Guard District
1240 East Ninth Street,
Cleveland, OH 44199-2060
Telephone: (216) 902-6073

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, 2009 Edition

Coast Pilot Reference: 2009 U.S. Coast Pilot 6 Great Lakes 39th 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 - B0129-09 through B140-09

Ninth District - C072-09 through C075-09

Sector Detroit, MI - D127-09 through D132-09

Sector Lake Michigan, WI - M306-09 through M319-09

Sector Sault Ste Marie, MI - S107-09 through S111-09

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

GREAT LAKES - Great Lakes Water Levels

The expected water levels on the Great Lakes for August 5, 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 +31, Lake Erie +33, Lake St. Clair +30, Lake Michigan-Huron +16, Lake Superior +6.

St Lawrence River:

Above Long Sault Dam +40, Above Iroquois Dam +31, Ogdensburg +46, Alexandria Bay +32, Head of River at Cape Vincent +31.

Detroit River:

Lake Erie at Pelee Passage +33, Mouth of River at Gibraltar +32, Head of River above Belle Isle +30.

St. Clair River:

Mouth of River at St. Clair Flats +30, Algonac +28, St. Clair +23, Blue Water Bridge +19, 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 +10, U.S. Slip +7, Above Locks +8, Head of River at Point Iroquois +6.

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

LAKE ERIE – Cleveland Harbor – Chart 14839

Durocher Marine will have a temporary mooring buoy with a white quick flashing light in Cleveland Harbor in approximate position 41-30-00.000N / 081-43-46.400W thru September 2009. Mariners should use caution when transiting the area.

LNM: 29/09

****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

****** BUOY REPOSITIONED DUE TO CONSTRUCTION ******

LAKE ST CLAIR - Charts 14850, 14852 and 14853

Lake St Clair Lighted Buoy 30 (LLNR 8570) is set off station to the SW in position 42-30-31.428N / 082-41-55.056W due to construction.

LNM: 27/09

LAKE HURON - Sebewaing Harbor - Chart 14863

Sebewaing Harbor has recently been dredged by the USACOE to a project depth of 5ft. Recent surveys performed indicate shoaling in the Federal navigation channel. Shoaling to 4 ft depths is located in the vicinity of 43-44-53.820N / 083-30-23.280W.

LNM: 25/09

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

LAKE HURON – Harrisville – Charts 14860 and 14864

Shoaling has been reported, from depths of 4.1 feet to 6.4 feet, cross channel in the vicinity of West Breakwall light (LLNR 11330). All mariners are advised to use caution while transiting the area.

LNM: 28/09

LAKE MICHIGAN - Chart 14901

NOAA has deployed the following subsurface buoys until SEP 09.

Subsurface Buoy 20 41-46-54.000N / 086-55-30.500W at a depth of 20m.

Subsurface Buoy 30 41-50-17.800N / 086-58-59.000W at a depth of 30m.

LNM: 26/09

LAKE MICHIGAN – Winnetka – Chart 14905

The Edward E. Gillen Company will have a temporary mooring buoy with a white quick flashing light in Lake Michigan off of Winnetka, IL in approximate position 42-06-57.060N / 087-43-06.780W thru September 2009. Mariners should use caution when transiting the area.

LNM: 29/09

LAKE MICHIGAN – Muskegon Harbor – Chart 14934

Shoaling has been reported from 27.5 feet to 28.6 feet, cross channel at the channel entrance. All mariners are advised to use caution while transiting the area.

LNM: 29/09

*** NEW FOR 30/09 ***

LAKE MICHIGAN – Indiana Harbor – Chart 14929

Durocher Marine will have a temporary mooring buoy with a white quick flashing light off Whiting, IN in approximate position 41-40-46.320N / 087-28-06.300W thru November 2009. Mariners should use caution when transiting the area.

LNM: 30/09

LAKE SUPERIOR – Various locations – Chart 14961

The Michigan Department of Natural Resources will be conducting a gill net survey for lake trout in various locations in Lake Superior. Operations will commence on July 28, 2009 thru August 28, 2009. Detailed information can be found in enclosure (4). For further information contact Shawn Sitar at (906) 249-1611 or sitars@michigan.gov.

LNM: 30/09

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
55	St. Lawrence Seaway Lighted Buoy 8	REDUCED INT		B030-09	18/09	
905	St. Lawrence Seaway Lighted Buoy 128	LT EXT			30/09	
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	
4730	Sandusky Bay Exit Channel Range Rear Light	DBN DMGD	14845	D199-08	44/08	
7900	Wyandotte Channel Buoy 21	SINKING	14853	D114-09	27/09	
8160	Rouge River Canal Entrance Lighted Buoy 2	OFF STA	14853	D104-09	26/09	
10560	Saginaw Bay Channel Range Rear Light	LT EXT	14867	D037-09	14/09	
13960	Upper Nicolet Range Rear Light	DBN DEST	14883	S025-09	12/09	
16615	Grand Marais Light	REDUCED INT	14967	S101-09	27/09	
19490	Kalamazoo River Buoy 12	OFF STA	14906	M319-09	30/09	
20605	Wind Point Light	LT IMCH	14904	C074-09	30/09	
21795	Sister Islands Buoy 1	MISSING	14909	M236-09	25/09	
22145	Green Bay Harbor Entrance Channel Lighted Buoy 9	LT EXT	14918	M318-09	30/09	
22200	Green Bay Harbor Entrance Channel Lighted Buoy 17	LT EXT	14918	M318-09	30/09	

DISCREPANCIES (FEDERAL AIDS) CORRECTED

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
40	St. Lawrence Seaway Lighted Buoy 6	WATCHING PROPERLY			23/09	30/09
100	St. Lawrence Seaway Lighted Buoy 17	WATCHING PROPERLY			24/09	30/09
155	St. Lawrence Seaway Light 26	WATCHING PROPERLY			27/09	30/09
295	St. Lawrence Seaway Lighted Buoy 48A	WATCHING PROPERLY			23/09	30/09
1295	St. Lawrence Seaway Lighted Buoy 181	WATCHING PROPERLY			27/09	30/09
1560	St. Lawrence Seaway Light 227	WATCHING PROPERLY			28/09	30/09
3865	Fairport Harbor West Breakwater Extension Light	WATCHING PROPERLY	14837		29/09	30/09

6105	Manhattan Range Front Light	WATCHING PROPERLY	14847		30/09	30/09
6355	Maumee River Lighted Buoy 62	WATCHING PROPERLY	14847		23/09	30/09
8205	Belle Isle Lower Junction Lighted Buoy	WATCHING PROPERLY	14853		30/09	30/09
11150	Au Gres Harbor Entrance Buoy 2	WATCHING PROPERLY	14863		30/09	30/09
20975	Algoma Light	WATCHING PROPERLY	14910		30/09	30/09

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	
1355	Alexandria Bay Shoal Daybeacon	MISSING	14766		28/09	
1386	Keewaydin State Park Lighted Entrance Buoy	MISSING			28/09	
1519	Clayton Marina Buoy 6	MISSING	14774		28/09	
1519.5	Clayton Marina Buoy 8	MISSING	14774		28/09	
2393	Golden State Park Entrance Light 3	LT EXT	14805	B040-09	21/09	
3505	International Paper East Crib Light	DBN IMCH	14835	B096-09	27/09	
3630	Presque Isle Park Light 2	MISSING	14835		28/09	
3640	Presque Isle Park Light 4	DBN DMGD	14835		28/09	
3645	Erie Harbor Water Pipe Intake Buoy A	OFF STA	14835	B097-09	27/09	
3975	Wildwood Park West Detached Breakwater Light	DBN DEST	14826	B098-09	27/09	
4015	Northeast Yacht Club Outer Light	LT IMCH	14826	099-09	27/09	
4020	Northeast Yacht Club Inner Light	LT IMCH	14826	B100-09	27/09	
4110	Lakeside Yacht Club Entrance South Light	LT IMCH	14839	B101-09	27/09	
4150	North Coast Harbor Light 2	DBN DMGD	14839	B102-09	27/09	
4190	Whiskey Island Marina Entrance Light 1	DBN DMGD	14839	B106-09	27/09	
4420	Beaver Creek Entrance Light 4	LT IMCH	14826	B104-09	27/09	
4425	Beaver Creek Entrance Light 5	LT IMCH	14826	B105-09	27/09	
5996	Turtle Creek Breakwater Light 2	LT EXT	14846		24/09	
6375	Pier 75 Detached Breakwater Light B	MISSING	14847		25/09	
6395	Pier 75 Detached Breakwater Light F	MISSING	14847		25/09	
8165	Detroit Lime Company Light	LT IMCH	14854	D168-08	36/08	
8705	Grosse Point Club Dock South Light	LT IMCH	14853		25/09	
8710	Grosse Point Club Dock North Light	LT IMCH	14853		25/09	
8945	Black Creek Lighted Buoy 2	LT EXT	14853	D123-09	29/09	
20015	Chicago Harbor Filtration Plant Light B	LT EXT	14926	M201-09	23/09	
20729	South Shore Park Entrance Lighted Buoy 1	LT EXT	14924	M258-09	26/09	
20756	Mickinley Marina Preferred Channel Light A/B	LT EXT	14924	M257-09	26/09	
20757	Mickinley Marina Light 2	LT EXT	14924	M255-09	26/09	

DISCREPANCIES (PRIVATE AIDS) CORRECTED

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
2935	Union Canal Light	WATCHING PROPERLY	14833		29/09	30/09
3910	Mentor Harbor Light 1	WATCHING PROPERLY	14825		18/09	30/09
3920	Mentor Harbor Light 3	WATCHING PROPERLY	14825		18/09	30/09
20105	Montrose Breakwater Light	WATCHING PROPERLY	14926		29/09	30/09
20130	Wilson Avenue Breakwater Light	WATCHING PROPERLY	14926		29/09	30/09
20140	Foster Avenue Pierhead Light	WATCHING PROPERLY	14926		29/09	30/09

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
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	
12975	Point Aux Frenes Light 21	Reduced Intensity	14882	S005-09	02/09	
19290	Holland Harbor North Pierhead Light	DISCONTINUED	14932		21/09	

TEMPORARY CHANGES CORRECTED

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
6040	Maumee Bay Safe Water Lighted Buoy	LWP	14847		24/09	30/09
11780	Cheboygan River Entrance Lighted Buoy 2	LWP	14881		17/09	30/09

PLATFORM TEMPORARY CHANGES

Name	Status	Position	BNM Ref.	LNM St	LNM End
None					

PLATFORM TEMPORARY CHANGES CORRECTED

Name	Status	Position	BNM Ref.	LNM St	LNM End
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				CGD01		
(Temp) ADD	NATIONAL DOCK CHANNEL BUOY 3			at 40-41-09.001N		074-02-48.001W
	Green can					
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.

14500	27th Ed.	01-OCT-02	Last LNM: 25/09	NAD 83		30/09
<i>Chart Title: Great Lakes, Lake Champlain to Lake of the Woods</i>						
Main Panel 1568 GREAT LAKES. Page/Side: N/A						
DELETE	Irondequoit Bay Light A				CGD09 43-14-01.000N	077-32-04.000W
14800	10th Ed.	01-SEP-05	Last LNM: 38/08	NAD 83		30/09
<i>Chart Title: Lake Ontario (Metric)</i>						
Main Panel 1112 LAKE ONTARIO. Page/Side: N/A						
DELETE	Irondequoit Bay Light A				CGD09 43-14-01.000N	077-32-04.000W
14804	24th Ed.	23-FEB-02	Last LNM: 19/09	NAD 83		30/09
<i>Chart Title: Port Bay to Long Pond;Port Bay Harbor;Irondequoit Bay</i>						
CHART PORT BAY TO LONG POND. Page/Side: N/A						
ADD	Irondequoit Bay Lighted Buoy A Red Fl (2+1)R 6s				CGD09 at 43-14-01.000N	077-32-04.000W
Inset 2933 IRONDEQUOT BAY NEW YORK. Page/Side: N/A						
DELETE	Irondequoit Bay Light A				CGD09 43-14-01.000N	077-32-04.000W
ADD	Irondequoit Bay Lighted Buoy A Red Fl (2+1)R 6s				CGD09 at 43-14-01.000N	077-32-04.000W
Main Panel 1117 PORT BAY TO LONG POND . Page/Side: N/A						
DELETE	Irondequoit Bay Light A				CGD09 43-14-01.000N	077-32-04.000W
14823	30th Ed.	01-OCT-02	Last LNM: 19/08	NAD 83		30/09
<i>Chart Title: Sturgeon Point to Twentymile Creek;Dunkirk Harbor;Barcelona Harbor</i>						
Inset 1137 DUNKIRK HARBOR NEW YORK. Page/Side: A						
DELETE	Sounding in Feet; 1 (NOS NW-17528)				NOS 42-29-23.700N	079-20-03.400W
DELETE	Sounding in Feet; 1 (NOS NW-17528)				NOS 42-29-24.400N	079-19-58.200W
DELETE	Sounding in Feet; 2 (NOS NW-17528)				NOS 42-29-19.100N	079-20-30.700W
SUBSTITUTE	Sounding in Feet; 1 for 2 (NOS NW-17528)				NOS 42-29-19.800N	079-20-08.800W
ADD	Sounding in Feet; 1 (NOS NW-17528)				NOS 42-29-19.700N	079-20-31.000W
ADD	Sounding in Feet; 1 (NOS NW-17528)				NOS 42-29-20.600N	079-20-14.900W
ADD	Sounding in Feet; 1 (NOS NW-17528)				NOS 42-29-24.800N	079-19-56.300W
					NOS	

ADD	Sounding in Feet; 1/4 (NOS NW-17528)	42-29-21.100N	079-20-11.500W
		NOS	
ADD	Sounding in Feet; 2 (NOS NW-17528)	42-29-20.800N	079-20-08.200W
		NOS	
ADD	Sounding in Feet; 2 (NOS NW-17528)	42-29-23.300N	079-20-07.400W

14838 4th Ed. 01-APR-05 Last LNM: 19/08 NAD 83 30/09

ChartTitle: Buffalo to Erie;Dunkirk;Barcelona Harbor

Inset 1140 DUNKIRK HARBOR NEW YORK. Page/Side: N/A

		NOS	
DELETE	Sounding in Feet; 1 (NOS NW-17528)	42-29-23.700N	079-20-03.400W
		NOS	
DELETE	Sounding in Feet; 1 (NOS NW-17528)	42-29-24.400N	079-19-58.200W
		NOS	
DELETE	Sounding in Feet; 2 (NOS NW-17528)	42-29-19.100N	079-20-30.700W
		NOS	
SUBSTITUTE	Sounding in Feet; 1 for 2 (NOS NW-17528)	42-29-19.800N	079-20-08.800W
		NOS	
ADD	Sounding in Feet; 1 (NOS NW-17528)	42-29-19.700N	079-20-31.000W
		NOS	
ADD	Sounding in Feet; 1 (NOS NW-17528)	42-29-20.600N	079-20-14.900W
		NOS	
ADD	Sounding in Feet; 1 (NOS NW-17528)	42-29-24.800N	079-19-56.300W
		NOS	
ADD	Sounding in Feet; 1/4 (NOS NW-17528)	42-29-21.100N	079-20-11.500W
		NOS	
ADD	Sounding in Feet; 2 (NOS NW-17528)	42-29-20.800N	079-20-08.200W
		NOS	
ADD	Sounding in Feet; 2 (NOS NW-17528)	42-29-23.300N	079-20-07.400W

14842 15th Ed. 01-JAN-08 Last LNM: 26/09 NAD 83 30/09

ChartTitle: SMALL-CRAFT BOOK CHART - Port Clinton to Sandusky, including the Islands (book of 35 charts)

Extension 1202 HARBOR PLAN 36. Page/Side: 36

		NOS	
DELETE	Sounding in Feet; 8 (NOS NW-17499)	41-39-20.500N	082-49-28.400W
		NOS	
SUBSTITUTE	Sounding in Feet; 4 for 7 (NOS NW-17499)	41-39-21.000N	082-49-26.500W
		NOS	
SUBSTITUTE	Sounding in Feet; 5 for 8 (NOS NW-17499)	41-39-19.700N	082-49-26.300W
		NOS	
CHANGE	Depth Legend - Put-In-Bay; 14 FT NOV 2008 FROM 14 FT..OCT 2004 (NOS NW-17499)	41-39-19.700N	082-49-00.100W
		NOS	
CHANGE	Depth Legend - Put-In-Bay; 8 FT FOR WIDTH OF 100 FT NOV 2008 FROM 8 FT.. OCT 2004 (NOS NW-17499)	41-39-17.100N	082-49-11.100W
		NOS	
ADD	Sounding in Feet; 13 (NOS NW-17499)	41-39-20.740N	082-49-01.620W
		NOS	
ADD	Sounding in Feet; 5 (NOS NW-17499)	41-39-17.740N	082-49-19.640W
		NOS	
ADD	Sounding in Feet; 5 (NOS NW-17499)	41-39-18.600N	082-49-21.150W
		NOS	
ADD	Sounding in Feet; 5 (NOS NW-17499)	41-39-18.800N	082-49-29.300W
		NOS	
ADD	Sounding in Feet; 5 (NOS NW-17499)	41-39-20.100N	082-49-28.800W
		NOS	
ADD	Sounding in Feet; 7 (NOS NW-17499)	41-39-19.900N	082-49-27.500W

14844 32nd Ed. 01-FEB-04 Last LNM: 26/09 NAD 83 30/09

ChartTitle: Islands in Lake Erie;Put-In-Bay

Inset 1209 PUT-IN-BAY OHIO. Page/Side: N/A

		NOS	
DELETE	Sounding in Feet; 8 (NOS NW-17499)	41-39-20.500N	082-49-28.100W
		NOS	
SUBSTITUTE	Sounding in Feet; 4 for 7 (NOS NW-17499)	41-39-21.000N	082-49-26.500W
		NOS	
CHANGE	Depth Legend - Put-In-Bay; 14 FT NOV 2008 FROM 14 FT..OCT 2004 (NOS NW-17499)	41-39-19.700N	082-49-00.100W
		NOS	

CHANGE	Depth Legend - Put-In-Bay; 8 FT FOR WIDTH OF 100 FT NOV 2008 FROM 8 FT.. OCT 2004 (NOS NW-17499)	41-39-17.100N	082-49-11.100W
		NOS	
ADD	Sounding in Feet; 13 (NOS NW-17499)	41-39-20.740N	082-49-01.620W
		NOS	
ADD	Sounding in Feet; 5 (NOS NW-17499)	41-39-17.740N	082-49-19.640W
		NOS	
ADD	Sounding in Feet; 5 (NOS NW-17499)	41-39-18.600N	082-49-21.150W
		NOS	
ADD	Sounding in Feet; 5 (NOS NW-17499)	41-39-20.100N	082-49-28.800W

14846 **13th Ed.** **01-OCT-05** **Last LNM: 22/09** **NAD 83** **30/09**

ChartTitle: SMALL-CRAFT BOOK CHART - West End of Lake Erie from Perrysburg, OH., of the Maumee R. to Huron R., Mich., and Bar Pt., Ont. (book of 34 charts)

Inset 1231 PAGE 19 RIGHT PANEL SANDY CREEK. Page/Side: 19

ADD

CGD09

14934 **29th Ed.** **01-FEB-08** **Last LNM: 24/09** **NAD 83** **30/09**

ChartTitle: Muskegon Lake and Muskegon Harbor

Main Panel 1491 MUSKEGON LAKE MICHIGAN MUSKEGON HARBOR. Page/Side: N/A

		NOS	
DELETE	Sounding in Feet; 25 (NOS NW-17492)	43-13-31.500N	086-20-51.800W
		NOS	
DELETE	Sounding in Feet; 25 (NOS NW-17492)	43-13-37.510N	086-20-34.190W
		NOS	
SUBSTITUTE	Sounding in Feet; 24 for 26 (NOS NW-17492)	43-13-37.700N	086-20-33.000W
		NOS	
CHANGE	Depth Legend - Muskegon Harbor (East); 26 FT APR 2008 - APR 2009 FROM 26 FT..AUG 2006-JUN 2008 (NOS NW-17492)	43-13-47.400N	086-20-05.900W
		NOS	
CHANGE	Depth Legend - Muskegon Harbor (Middle); 27 FEET APR 2009 FRM 27 FT..JUN 2008 (NOS NW-17492)	43-13-35.200N	086-20-35.500W
		NOS	
CHANGE	Depth Legend - Muskegon Harbor (West); 26 FT APR 2009 FROM 26 FT..JUN 2008 (NOS NW-17492)	43-13-29.400N	086-20-50.600W
		NOS	
ADD	Sounding in Feet; 25 (NOS NW-17492)	43-13-22.700N	086-20-52.700W
		NOS	
ADD	Sounding in Feet; 25 (NOS NW-17492)	43-13-31.400N	086-20-55.900W
		NOS	
ADD	Sounding in Feet; 25 (NOS NW-17492)	43-13-40.200N	086-20-25.800W
		NOS	
ADD	Sounding in Feet; 26 (NOS NW-17492)	43-13-35.500N	086-20-31.300W
		NOS	
ADD	Sounding in Feet; 26 (NOS NW-17492)	43-13-36.500N	086-20-39.700W

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

<u>Approved Project(s)</u>	<u>Project Date</u>	<u>Ref. LNM</u>
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" has commenced. 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. The light would be operated by Presque Isle Township.

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.

Scammons Harbor Lighted Buoy "4" (LLNR 12270)

LNM: 15/09

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 - Sturgeon Bay Ship Canal - Chart 14919

Sturgeon Bay Ship Canal Buoy "15A" (LLNR 21117) change from an unlighted buoy to a lighted buoy. Fl 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 - St. Joseph and Benton Harbor - Chart 14930

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

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

LNM: 19/08

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

STRAITS OF MACKINAC - Les Cheneaux Islands - Chart 14885

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 more energy efficient LED lantern.

Crow Island Leading Light (LLNR 12220)

LNM: 23/09

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 energy efficient LED lantern.

LNM: 10/09

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>
None			

Proposed Change Notice(s)

LAKE HURON - Port Huron to Pte Aux Barques - Chart 14862

Change the seasonal dates of the following buoys to be maintained from 28 April - 1 December to 28 April - 21 November due to availability of Coast Guard resources.

Harbor Beach Marina Lighted Buoy "1" (LLNR 10195)
Harbor Beach marina Lighted Buoy "3" (LLNR 10200)

LNM: 26/09

LAKE HURON - Harrisville to Forty Mile Point - Chart 14864

Change the seasonal dates of the following buoys to be maintained from 28 April - 1 December to 28 April - 21 November due to availability of Coast Guard resources:

Alpena Channel Buoy "1" (LLNR 11395)
Alpena Channel Buoy "2" (LLNR 11400)
Alpena Channel Buoy "3" (LLNR 11405)
Alpena Channel Buoy "4" (LLNR 11410)
Alpena Channel Buoy "5" (LLNR 11415)
Lafarge Corporation Channel Junction Buoy "TB" (LLNR 11420)

LNM: 26/09

LAKE SUPERIOR - Apostle Islands - Chart 14973

Permanently discontinue Marina Shoal Buoy 3 (LLNR 15560) as an aid to navigation.

LNM: 29/09

LAKE SUPERIOR - Keweenaw Waterway - Chart 14972

Eliminate the advertised high intensity beam due the installation of a more energy efficient LED 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 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.

Waterways Analysis and Management System Study - 2009

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
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)

Waterways Analysis and Management System Study - 2009

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

LAKE ERIE – Vermilion River – Chart 14826

The Geo. Gradel Co. will be conducting dredging in the Vermilion River from Route 6 Bridge to Up River. Operations will commence on July 21, 2009 thru August 31, 2009. The hours of operation are 0700 - 1700, Monday - Saturday. The TUG PRAIRELAND and TUG TIMBERLAND may be contacted VHF - FM channel 18 and 16. For further information contact Dave Finger at (419) 691-7123.

LNM: 30/09

LAKE ERIE – Lorain Harbor – Chart 14841

The Geo. Gradel Co. will be conducting dredging in Lorain Harbor. Operations will commence on August 12, 2009 thru November 1, 2009. The hours of operation are 24 hours a day, Monday - Saturday. The harbor will be occupied with dredge plant, materials barge and tugs. The TUG JOHN FRANCIS may be contacted VHF - FM channel 13 and 16. For further information contact Dave Finger at (419) 265-0574.

LNM: 30/09

******* REVISED FOR LNM 30/09 *******

LAKE MICHIGAN – IL – Chicago Harbor, Bridge Maintenance, Chart 14928

Bridge maintenance will occur on the Michigan Avenue Bridge at Mile 0.85 over the Main Branch of the Chicago River beginning on April 15 and continuing through October 1, 2009. Work will be performed twenty-four hours a day, seven days a week. Two barges (70' x 35' and 110' x 35') will be moored under the southern end of the bridge and will move if needed provided a one-hour Advance Notice of Arrival is given. Advance notice should be given directly to the barge or by calling the following numbers: (708) 204-0012 or (219) 730-9422. When not in use the barge will be moored clear of the navigation channel and lighted in accordance with navigation rules. All mariners are urged to pass with caution. [15/09] [30/09]

LNM: 30/09

******* REVISED FOR LNM 30/09 *******

LAKE MICHIGAN – IL – Chicago Harbor, Scheduled Maintenance, Chart 14928

Maintenance will be performed on the Lake Shore Drive Bridge at Mile 0.32 over the Main Branch of the Chicago River from July 24 through August 1, 2009. Work hours will be seven days a week between 0700 and 1900. A single barge (96' x 35') will be utilized in the waterway, moored against the bridge abutments. When not in use, the barge will be moored outside the navigation channel and lighted in accordance with navigation rules. Throughout the course of the project, one leaf of the Lake Shore Drive Bridge will be operational at all times. Mariners are urged to use caution in the vicinity of the bridge. [27/09] [30/09]

LNM: 30/09

*******NEW FOR LNM 30/09 *******

LAKE MICHIGAN – MI – GRAND HAVEN HARBOR, Bridge Closure for Special Event, Charts 14906 and 14933

The U.S. 31 Bridge at Mile 2.89 over the Grand River will be secured to masthead navigation from 2200 on August 1, 2009 until 0200 on August 2, 2009 for the City of Grand Haven's Coast Guard Day Festival.

LNM: 30/09

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:

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

The Event: Ohio State Canoe and Kayak Championship

Location: Fairport, OH

Time/Date: 0830-1600, 01 August 2009

Sponsor or POC: Joseph Krizman at (440) 478-7019

The Event: Cleveland Dragon Boat Fest

Location: Cleveland, OH

Time/Date: 1000-1900, 29 August 2009

Sponsor or POC: Michael Ciccarello at (216) 534-8715

The Event: The Great Lake Erie Boat Float

Location: Cleveland, OH

Time/Date: 0900-1100, 03 October 2009

Sponsor or POC: Cathi Lehn at (216) 707-2826 or (323) 395-1843 during the event.

LAKE ONTARIO:

Please Refer to Enclosure 2 for details

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.

Please Refer to Enclosure 2 for details

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..

Please Refer to Enclosure 2 for details

LNM: 39/08

LAKE MICHIGAN - Marine Events / Safety Zones- Chart 14961

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

The Event: Steelhead Triathlon Swim

Location: Lake Michigan, St. Joseph, MI.

Date/Time: 01 August 09, 0700-0900.

Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Harbor Springs Coastal Crawl

Location: Lake Michigan, Harbor Springs, MI.

Date/Time: 01-02 August 09, 0700-1300.

Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Muskegon Regatta

Location: Lake Michigan, Muskegon, MI.

Date/Time: 1-2 August 09, 0900-1700

Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Lake Shore Weekend for Kids

Location: Lake Michigan , Manitowoc, WI

Date/Time: 01 August 09, 0800-1900.

Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Flying Scot North American Championship Regatta

Location: Eagle Harbor, Ephraim, WI.

Date/Time: 2-7 August 09, 0900-1800.

Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Portage Perch Fest

Location: Lake Michigan, Portage, IN.

Date/Time: 07 August 09, 2030-2230.

Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

LAKE MICHIGAN - Marine Events / Safety Zones- Chart 14961

The Event: Traverse City Open Water Challenge Swim
Location: Grand Traverse West Bay, Traverse City, MI.
Date/Time: 08 August 09, 0700-1130.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Lanterns for Peace
Location: Milwaukee River, Milwaukee, WI.
Date/Time: 08 August 09, 1730-2130.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Great Lakes Watercross Races
Location: Lake Michigan, Sheboygan, WI
Date/Time: 09Aug09, 0700-1900
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Michigan City Super Boat Race
Location: Lake Michigan, Michigan City, IN.
Date/Time: 09 August 09, 1000-1600.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Chicago Air & Water Show
Location: Lake Michigan , Chicago, IL
Date/Time: 13-16 August 09, 0800-1700.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Michigan City Triathlon
Location: Washington Park Beach, Michigan City, IN.
Date/Time: 22 August 09, 0700-1200.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Yacht Blast for Kids
Location: Discovery World Pier, Milwaukee, WI.
Date/Time: 22 August 09, 1300-1600.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Light up the River Boat Parade
Location: Calumet-Sag Channel, Blue Island, IL.
Date/Time: 22 August 09, 2000-2200.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Pirates Plunge
Location: Lake Michigan , Milwaukee, WI
Date/Time: 23 August 09, 0800-0900.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Rockin Rubber Duck Regatta
Location: Milwaukee River, Milwaukee, WI.
Date/Time: 29 August 09, 1200-1400.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Coast Guard Festival Fireworks
Location: Grand River, Grand Haven, MI.
Date/Time: 01 August 09, 2200-2300.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

LNLM: 25/09

LAKE MICHIGAN - Marine Events / Safety Zones - Chart 14961

The Event: Harbor Days Fireworks
Location: Grand Traverse Bay, Elk Rapids, MI.
Date/Time: 01 August 09, 2200-2300.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Evening on the Bay Fireworks
Location: Lake Michigan, Sturgeon Bay, WI.
Date/Time: 01 August 09, 2130-2200.
Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

LAKE MICHIGAN - Marine Events / Safety Zones - Chart 14961

The Event: New Buffalo Ship and Shore Fireworks
 Location: Lake Michigan, New Buffalo, MI.
 Date/Time: 08 August 09, 2200-2230.
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Arab World Fest Fireworks
 Location: Milwaukee Harbor, Milwaukee, WI.
 Date/Time: 08 August 09, 2130-2200.
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Waterfront Festival Fireworks
 Location: Menominee Memorial Marina, Menominee, MI.
 Date/Time: 08 August 09, 2130-2200.
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Pentwater Homecoming Fireworks
 Location: Lake Michigan, Pentwater, MI.
 Date/Time: 15Aug09, 2100-2200
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Algoma Shanty Days Fireworks
 Location: Lake Michigan, Algoma, WI
 Date/Time: 16 August 09, 2030-2200.
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Irish Fest Fireworks
 Location: Lake Michigan, Milwaukee, WI.
 Date/Time: 16 August 09, 2100-2200.
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Irish Fest Fireworks
 Location: Milwaukee Harbor, Milwaukee, WI.
 Date/Time: 16 August 09, 2215-2245.
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Mexican Fest Fireworks
 Location: Milwaukee Harbor, Milwaukee, WI.
 Date/Time: 21 August 09, 2130-2200.
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

LNM: 30/09

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	
2295	Irondequoit Bay Light A						Remove from list.	30/09
							*	
2295	<i>Irondequoit Bay Lighted Buoy A</i>	43-14-01.000N 077-32-04.000W	Fl (2+1)R 6s					30/09
*	*	*	*	*	*	*	*	

PUBLICATION CORRECTIONS

**Publication—National Ocean Service—U.S. Coast Pilot 6, and their connecting waterways, 2009 (39th) Edition.
 Change No. 10.**

Please Refer to Enclosure 5 for details.

LNM: 30/09

**Publication—National Ocean Service—U.S. Coast Pilot 6, and their connecting waterways, 2009 (39th) Edition.
Change No. 11.**

Please Refer to Enclosure 5 for details.

LNM: 30/09

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

[E9-17196.pdf](#) [E9-17228.pdf](#) [E9-17229.pdf](#) [E9-17245.pdf](#) [E9-17748.pdf](#)

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

LNM: 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?>

LNM: 36/08

(5) COAST PILOT 6 - Corrections

[CP6-0910_3_.pdf](#) [CP6-0911.pdf](#)

Publication - Changes 10 and 11

LNM: 30/09

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.

<u>Location</u>	<u>LNM</u>	<u>Subject</u>	<u>Hours / Days</u>	<u>Until</u>
<u>NEW YORK STATE BARGE CANAL</u>				
Fort Edward, NY	18/09	DREDGING	24 HRS A DAY / 7 DAYS	01 NOV 09
<u>ST. LAWRENCE RIVER</u>				
Massena, NY	25/09	DREDGING	0530-1930 / MON-SAT	05 OCT 09
<u>LAKE ONTARIO</u>				
None Reported				
<u>LAKE ERIE</u>				
Niagara River, NY	11/09	REDUCTION IN BRIDGE VERTICAL CLEARANCE	24 HRS A DAY / 7 DAYS	31 DEC 10
Ashtabula, OH	24/09	DREDGING	24 HRS A DAY / 7 DAYS	01 AUG 09
Conneaut, OH	24/09	DREDGING	24 HRS A DAY / 7 DAYS	30 AUG 09
Cleveland, OH	25/09	STRUCTURE REPAIR	0700-1530 / MON-SAT	30 JUL 09
Sandusky, OH	26/09	DREDGING	24 HRS A DAY / 7 DAYS	28 AUG 09
Cleveland, OH	27/09	DREDGING	24 HRS A DAY / 7 DAYS	30 AUG 09
Fairport, OH	27/09	DREDGING	24 HRS A DAY / 7 DAYS	30 AUG 09
Ashtabula, OH	29/09	BREAKWALL RECONDITIONING	0600 – 1830 / MON-FRI	01 AUG 09
Conneaut, OH	29/09	BREAKWALL RECONDITIONING	0600 – 1830 / MON-FRI	15 AUG 09
Buffalo, NY	29/09	BREAKWALL RECONDITIONING	0600 – 1830 / MON-FRI	15 OCT 09
Vermilion, OH	30/09	DREDGING	0700 – 1700/ MON-FRI	31 AUG 09
Fairport, OH	30/09	DREDGING	24 HRS A DAY / MON-SAT	01 NOV 09
<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
Algonac, MI	25/09	LIGHT CONSTRUCTION	24 HRS A DAY/ 7 DAYS	09 AUG 09
<u>ST. CLAIR RIVER</u>				
None Reported				
<u>LAKE HURON</u>				
None Reported				
<u>STRAITS OF MACKINAC</u>				
None Reported				
<u>SAINT MARY'S RIVER</u>				
None Reported				
<u>LAKE SUPERIOR</u>				
Keweenaw Waterway, MI	08/09	CHANGE TO BRIDGE OPERATING SCHEDULE	SPECIAL	15 NOV 09
Silver Bay, MN	24/09	DREDGING	0500-0100	01 NOV 09
<u>LAKE MICHIGAN</u>				
Chicago Harbor, IL	13/08	INOPERABLE BRIDGE 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

Chicago, IL	23/09	BRIDGE REPAIR WORK	0700-1530	31 JUL 09
Sturgeon Bay, WI	23/09	CHANGE TO BRIDGE OPERATING SCHEDULE	24 HRS A DAY / 7 DAYS	15 NOV 10
Sturgeon Bay, WI	24/09	BRIDGE REHABILITATION	24 HRS A DAY / 7 DAYS	01 JAN 10
Whiting, IN	26/09	PIPELINE CONSTRUCTION	24 HRS A DAY / MON-SAT	11 NOV 09
Green Bay, WI	26/09	DREDGING	24 HRS A DAY/ MON-SAT	15 NOV 09
Leland, MI	27/09	DREDGING	24 HRS A DAY / 7 DAYS	22 AUG 09
Arcadia, MI	27/09	DREDGING	24 HRS A DAY / 7 DAYS	22 AUG 09
Pentwater, MI	27/09	DREDGING	24 HRS A DAY / 7 DAYS	22 AUG 09
Grand Haven, MI	28/09	PIER REPAIR	24 HRS A DAY / 7 DAYS	31 AUG 09
Des Plaines River	28/09	BRIDGE INSPECTION	0700 – 1500 / 7 DAYS	14 AUG 09
Winnetka, IL	29/09	REVTMENT CONSTRUCTION	0700 – 1900 / 7 DAYS	13 AUG 09
Chicago, IL	29/09	BRIDGE MAINTENANCE BARGE	24 HRS A DAY / 7 DAYS	03 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>						
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	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	Oswego Yacht Club All J Regatta	14-16 AUG 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
Rochester, NY	18/09	Genesee Yacht Club 2009 Racing Season	MAY – OCT	1000-1200	Dave Overy	(585) 455-0350
Rochester, NY	22/09	Rochester Yacht Club Race Season 2009	MAY-OCT	Various	Charles Ross	(585) 342-5511
Sackets Hbr, NY	22/09	Hospice Charity Cup	01 AUG 09	1000-1600	Bob Wardwell	(315) 778-7299
Kendall, NY	23/09	Fireworks Display	07 SEP 09	2200-2220	Jim Freemesser	(585) 455-0999
Clayton, NY	26/09	45 th Annual Antique Boat Show	31 JUL – 02 AUG 09	0800-1700	John MacLean	(315) 686-4104
<u>LAKE ERIE</u>						
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
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
Erie, PA	22/09	Key West Phest Boat Parade	08 AUG 09	1300-1400	Tom Madura	VHF-FM ch: 72
Cleveland, OH	30/09	Ohio State Canoe and Kayak Championship	01 AUG 09	0830-1600	Joseph Krizman	(440) 478-7109
Cleveland, OH	30/09	Cleveland Dragon Boat Fest	29 AUG 09	1000-1900	Michael Ciccarello	(216) 534-8715
Cleveland, OH	30/09	The Great Lake Erie Boat Float	30 SEP 09	0900-1100	Cathi Lehn	(216) 707-2826
<u>LAKE HURON</u>						
None Reported						
<u>LAKE SUPERIOR</u>						
None Reported						
<u>LAKE MICHIGAN</u>						
Grand Haven, MI	25/09	Grand Haven Water Ski Show	28 JUL 09	1900-2100	Sector Lake Michigan	(414) 747-7182
Chicago, IL	28/09	Special Olympics Illinois Duck Races	31 JUL 09	1300-1500	Sector Lake Michigan	(414) 747-7182
Oshkosh, WI	29/09	EAA Air Venture Air Show	26 JUL – 02 AUG 09	0800-2000	Sector Lake Michigan	(414) 747-7182
St. Joseph, MI	30/09	Steelhead Triathlon Swim	01 AUG 09	0700-0900	Sector Lake Michigan	(414) 747-7182
Harbor Springs, MI	30/09	Harbor Springs Coastal Crawl	01-02 AUG 09	0700-1300	Sector Lake Michigan	(414) 747-7182
Muskegon, MI	30/09	Muskegon Regatta	01-02 AUG 09	0900-1700	Sector Lake Michigan	(414) 747-7182
Manitowoc, WI	30/09	Lake Shore Weekend for Kids	01 AUG 09	0800-1900	Sector Lake Michigan	(414) 747-7182
Eagle Harbor, WI	30/09	Fling Scot North American Championship Regatta	02-07 AUG 09	0900-1800	Sector Lake Michigan	(414) 747-7182
Portage, IN	30/09	Portage Perch Fest	07 AUG 09	2030-2230	Sector Lake Michigan	(414) 747-7182
Traverse City, MI	30/09	Traverse City Open Water Challenge Swim	08 AUG 09	0700-1130	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	30/09	Lanterns for Peace	08 AUG 09	1730-2130	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>LNM</u>	<u>Events</u>	<u>Dates</u>	<u>Time (Local)</u>	<u>POC or Sponsor</u>	<u>Number</u>
Sheboygan, WI	30/09	Great Lakes Watercross Races	09 AUG 09	0700-1900	Sector Lake Michigan	(414) 747-7182
Michigan City, IN	30/09	Michigan City Super Boat Race	09 AUG 09	1000-1600	Sector Lake Michigan	(414) 747-7182
Chicago, IL	30/09	Chicago Air and Sea Show	13-16 AUG 09	0800-1700	Sector Lake Michigan	(414) 747-7182
Michigan City, IN	30/09	Michigan City Triathlon	22 AUG 09	0700-1200	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	30/09	Yacht Blast for Kids	22 AUG 09	1300-1600	Sector Lake Michigan	(414) 747-7182
Blue Island, IL	30/09	Light up the River Boat Parade	22 AUG 09	2000-2200	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	30/09	Pirates Plunge	23 AUG 09	0800-0900	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	30/09	Rockin Rubber Duck Regatta	29 AUG 09	1200-1400	Sector Lake Michigan	(414) 747-7182
Grand Haven, MI	30/09	Coast Guard Festival Fireworks	01 AUG 09	2200-2300	Sector Lake Michigan	(414) 747-7182
Elk Rapids, MI	30/09	Harbor Days Fireworks	01 AUG 09	2200-2300	Sector Lake Michigan	(414) 747-7182
Sturgeon Bay, WI	30/09	Evening on the Bay Fireworks	01 AUG 09	2130-2200	Sector Lake Michigan	(414) 747-7182
New Buffalo, MI	30/09	New Buffalo Ship and Shore Fireworks	08 AUG 09	2200-2230	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	30/09	Arab World Fest Fireworks	08 AUG 09	2130-2200	Sector Lake Michigan	(414) 747-7182
Menominee, MI	30/09	Waterfront Festival Fireworks	08 AUG 09	2130-2200	Sector Lake Michigan	(414) 747-7182
Pentwater, MI	30/09	Pentwater Homecoming Fireworks	15 AUG 09	2100-2200	Sector Lake Michigan	(414) 747-7182
Algoma, WI	30/09	Algoma Shanty Days Fireworks	16 AUG 09	2030-2200	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	30/09	Irish Fest Fireworks	16 AUG 09	2100-2200	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	30/09	Irish Fest Fireworks	16 AUG 09	2215-2245	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	30/09	Mexican Fest Fireworks	21 AUG 09	2130-2200	Sector Lake Michigan	(414) 747-7182

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****31 CFR Part 543****Persons Contributing to the Conflict in Côte d'Ivoire Sanctions Regulations**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control ("OFAC") is amending the Persons Contributing to the Conflict in Côte d'Ivoire Sanctions Regulations, 31 CFR part 543 (the "Regulations"), to change the heading of the Regulations.

DATES: *Effective Date:* July 21, 2009.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Compliance, Outreach & Implementation, *tel.*: 202/622-2490, Assistant Director for Licensing, *tel.*: 202/622-2480, Assistant Director for Policy, *tel.*: 202/622-4855, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), *tel.*: 202/622-2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:**Electronic and Facsimile Availability**

This document and additional information concerning OFAC are available from OFAC's Web site (www.treas.gov/ofac) or via facsimile through a 24-hour fax-on demand service, *tel.*: (202) 622-0077.

Background

OFAC promulgated the Persons Contributing to the Conflict in Côte d'Ivoire Sanctions Regulations, 31 CFR part 543 (the "Regulations"), on April 13, 2009 (74 FR 16763), to implement Executive Order 13396 of February 7, 2006 ("E.O. 13396"). In E.O. 13396, the President determined that the situation in Côte d'Ivoire, which has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and attacks against international peacekeeping forces leading to fatalities, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States, and declared a national emergency to deal with that threat.

OFAC today is amending the Regulations to change their heading to the "Côte d'Ivoire Sanctions Regulations" for the sake of consistency with other sanctions regulations.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations"). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505-0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 543

Administrative practice and procedure, Banks, Banking, Blocking of assets, Côte d'Ivoire, Credit, Foreign Trade, Penalties, Reporting and recordkeeping requirements, Securities, Services.

■ For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends part 543 of 31 CFR Chapter V as follows:

PART 543—CÔTE D'IVOIRE SANCTIONS REGULATIONS

■ 1. The authority citation to part 543 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601-1651, 1701-1706; 22 U.S.C. 287c; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110-96, 121 Stat. 1011; E.O. 13396, 71 FR 7389, 3 CFR, 2006 Comp., p. 209.

■ 2. The heading of part 543 is revised to read as set forth above.

Dated: July 15, 2009.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E9-17249 Filed 7-20-09; 8:45 am]

BILLING CODE 4811-45-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[Docket Number USCG-2009-0591]

Drawbridge Operation Regulations; Illinois Waterway, Beardstown, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operations of the Burlington Northern Santa Fe Railroad Bridge, Mile 88.8, at Beardstown, Illinois across the Illinois Waterway. The deviation is necessary to allow time for upgrade of the lift drive mechanism which only can be done when the bridge is in the closed-to-navigation position. This deviation allows the bridge to remain closed-to-navigation during the 60-hour period July 27-29, 2009.

DATES: This deviation is effective from 8 a.m., July 27 to 8 p.m., July 29, 2009.

ADDRESSES: Documents mentioned in this preamble as being available in docket are part of docket USCG-2009-0591 and are available online by going to www.regulations.gov, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG-2009-0591 in the docket ID box, pressing Enter, and then clicking on the item on the Docket ID column. They are 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 rule, call or e-mail Roger K. Wiebusch, Bridge Administrator, Coast Guard; telephone (314) 269-2378 or Roger.K.Wiebusch@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION: The Burlington Northern Santa Fe Railway Company requested a temporary deviation for the Burlington Northern Santa Fe (BNSF) Railroad Bridge, mile 88.8, at Beardstown, Illinois across the Illinois Waterway. It has a vertical clearance of 19.6 feet above normal pool

in the closed position. The BNSF Railroad Bridge currently operates in accordance with 33 CFR 117.393(a) which requires that the bridge be maintained in the open-to-navigation position; closing only when a train needs to transit the bridge.

The deviation period is from 8 a.m., July 27 to 8 p.m., July 29, 2009 when the draw span will be maintained in the closed-to-navigation position. During this time the lift drive mechanism will be inoperative. The draw span will not be returned to its fully open position until the lift drive mechanism is fully operational on August 2, 2009. During the period July 30–August 2, 2009 span openings will be coordinated with rail traffic closures and efforts to return the bridge to normal operations. Both commercial vessels and recreational watercraft use the waterway. Most commercial vessels can not pass underneath the bridge while it is in the closed position. Only vessels having a low-clearance profile will be able to pass under the span while in the closed position. There are no alternate routes for vessels transiting this section of the Illinois Waterway. Minimal impact to navigation is expected.

In accordance with 33 CFR 117.393(a), the drawbridge shall return to its normal operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35(c).

Dated: June 6, 2009.

Roger K. Wiebusch,

Bridge Administrator.

[FR Doc. E9–17196 Filed 7–20–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0649]

RIN 1625–AA00

Safety Zone; Friends of Fireworks Celebration, Lake Huron, St. Ignace, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Huron, St. Ignace, MI. This zone is intended to restrict vessels from a portion of Lake Huron during the Friends of Fireworks Celebration fireworks displays taking place July 11 through September 5, 2009. This

temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

DATES: This rule is effective from 9 p.m. on July 11, 2009, until 11 p.m. on September 5, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0649 and are available online at <http://www.regulations.gov> selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0649 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. They are also available for inspection or copying 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 LCDR Christopher Friese, Prevention Dept. Chief, U.S. Coast Guard Sector Sault Sainte Marie, 906–635–3220 or email Christopher.R.Friese@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 an agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 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 permit application was not received in time to publish a NPRM followed by a final rule before the effective date and immediate action is necessary to prevent possible loss of life and property that is potentially associated with this fireworks display.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be

contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property.

Background and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and spectators from hazards associated with a fireworks display. Based on the explosive hazards of fireworks, the Captain of the Port Sault Sainte Marie has determined that fireworks launches proximate to watercraft pose significant risk to public safety and property. The likely combination of large numbers of recreation vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the location of the launch platform will help ensure the safety of persons and property at these events and help minimize the associated risks.

Discussion of Rule

A temporary safety zone is necessary to ensure the safety of spectators and vessels during the setup, loading, and launching of fireworks displays in conjunction with the Friends of Fireworks Celebration fireworks displays. The fireworks displays will occur between 9 p.m. and 11 p.m. on July 11, July 18, July 25, August 1, August 8, August 15, August 22, August 29, and September 5, 2009. If a fireworks display is cancelled due to inclement weather, then the fireworks display will occur between 9 p.m. and 11 p.m. on the following day (July 12, July 19, July 26, August 2, August 9, August 16, August 23, August 30, or September 6, 2009).

The safety zone for the fireworks will encompass all waters of Lake Huron within a 1,000-foot radius from the fireworks launch site in East Moran Bay, with its center in position: 45°52'43" N, 084°43'69" W. All geographic coordinates are North American Datum of 1983 (NAD 83).

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

3. Interested persons may submit initial comments on or before July 29, 2009.

4. The Commission will determine the need for reply comments after review of the initial comments.

5. Diane Monaco is designated to serve as the Public Representative representing the interests of the general public in this proceeding.

6. The Secretary shall arrange for publication of this notice in the **Federal Register**.

Authority: 39 U.S.C. 3652.

Issued: July 10, 2009.

By the Commission.

Judith M. Grady,

Acting Secretary.

[FR Doc. E9-17285 Filed 7-20-09; 8:45 am]

BILLING CODE 7710-FW-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2009-0344; FRL-8932-7]

Approval and Promulgation of Air Quality Implementation Plans; Reformulated Gasoline and Diesel Fuels; California; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the **Federal Register** on July 10, 2009, pertaining to revisions to reformulated gasoline and diesel fuels regulations for the State of California.

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, EPA Region IX, (415) 947-4152, buss.jeffrey@epa.gov.

SUPPLEMENTARY INFORMATION: On July 10, 2009 (74 FR 33196), EPA proposed to approve revisions to reformulated gasoline and diesel fuel regulations for the State of California. This document makes the following three corrections:

1. The correct title for the July 10, 2009 notice should read, "Approval and Promulgation of Air Quality Implementation Plans; Reformulated Gasoline and Diesel Fuels; California."

2. Section B. of the preamble entitled, "What Should I Consider as I Prepare My Comments for EPA?" should be deleted.

3. Section V. of the preamble, entitled "Administrative Requirements," should be replaced with the following:

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
 - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
 - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
 - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
 - Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
 - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
 - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
 - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
 - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct

costs on tribal governments or preempt tribal law."

Today's correction does not otherwise change the remaining portions of the July 10, 2009 proposed rule.

Dated: July 14, 2009.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. E9-17259 Filed 7-20-09; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 404

[Docket No. USCG-2009-0552]

Great Lakes Pilotage Ratemaking Methodology

AGENCY: Coast Guard, DHS.

ACTION: Request for public comments.

SUMMARY: The Coast Guard requests public comments on the adequacy of existing regulations that provide the methodology for reviewing and adjusting rates for pilots on the U.S. waters of the Great Lakes. The Coast Guard seeks these comments in order to obtain a better understanding of how well Great Lakes shippers, Great Lakes pilots, and the general public think those formulas represent the realities of commercial shipping on the Great Lakes and fairly balance competing considerations. The Coast Guard will refer the comments it receives to the Great Lakes Pilotage Advisory Committee for review and recommendations.

DATES: Comments and related material must reach the Docket Management Facility on or before October 19, 2009 for consideration.

ADDRESSES: You may submit written comments identified by docket number USCG-2009-0552 using any one of the following:

(1) *Federal eRulemaking Portal:*
<http://www.regulations.gov>.

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

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. Our online

docket is available on the Internet at <http://www.regulations.gov> under docket number USCG–2009–0552.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning this notice, please call or e-mail Mr. Paul Eulitt, CG–54122, Coast Guard, telephone 202–372–1537, Coast Guard; e-mail Paul.W.Eulitt@uscg.mil. If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to submit comments and related material in response to this notice. We discuss why we seek comments, and suggest what your comments should cover, under “Background and Purpose.” 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 notice (USCG–2009–0552). You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. 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–2009–0552” 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 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.

Viewing comments: To view comments, go to <http://www.regulations.gov>, select the Advanced Docket Search option on the right side of the screen, insert USCG–

2009–0552 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. If you do not have access to the Internet, you may view the docket online by visiting 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 system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Background and Purpose

This notice is issued pursuant to the authority granted to the Secretary of Homeland Security by the Great Lakes Pilotage Act of 1960 (“the Act”), 46 U.S.C. Chapter 93 as amended, as delegated by the Secretary to the Coast Guard in Department of Homeland Security Delegation No. 0170.1. The Act requires foreign-flag vessels and U.S.-flag vessels engaged in foreign trade to use federally registered Great Lakes pilots while transiting the St. Lawrence Seaway and the Great Lakes system, and requires the Secretary to “prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.” 46 U.S.C. 9303(f). Coast Guard regulations implement the Act and can be found in 46 CFR, parts 401 through 404.

The Great Lakes pilotage regulations contain ratemaking formulas that we apply each year in reviewing rates and, if necessary, adjusting them. The formulas appear in appendices to 46 CFR part 404. The final rule for our 2009 rate review and adjustment appears elsewhere in today’s **Federal Register**, and you may consult it for more information about the ratemaking process.

In past years, some commenters on our annual ratemakings have suggested we need to review our ratemaking

formulas. Some of these commenters have implied the need for a general review, while others have focused on our definition of “bridge hours.” Bridge hours are a key component in determining the target rate of compensation that our ratemaking aims to provide for pilots, and currently are defined as “the number of hours a pilot is aboard a vessel providing pilotage service.” 46 CFR part 404, Appendix A, Step 2.B(1). Some commenters have suggested that the current definition is too narrow, in part because it does not include a pilot’s wait time due to vessel delays or detentions.

At this time, there is no Coast Guard rulemaking project under way to revise our current Great Lakes pilotage regulations, and this notice is not an “advance notice” of a proposed rulemaking nor does it indicate that such a rulemaking has been opened. However, we are interested in obtaining as comprehensive an idea as possible of the extent and nature of any objections to the current ratemaking formulas. We seek a better understanding of how well Great Lakes shippers, Great Lakes pilots, and the general public think those formulas fairly balance competing considerations and represent the realities of commercial shipping on the Great Lakes. Any comments we receive in response to this notice will be referred to the Great Lakes Pilotage Advisory Committee (GLPAC) for GLPAC’s review and recommendations. The Act established GLPAC to advise on significant actions or policy formulation affecting Great Lakes pilotage. 46 U.S.C. 9307(d).

If you would like to comment on our ratemaking formulas, we ask that, insofar as possible, you:

- Tell us whether you are a member of the general public, an industry representative, or a pilot;
- Tell us specifically what you like or dislike about the current formulas; and
- Tell us exactly how you would revise our formulas to better serve industry, pilots, and the public—“Write your own formula”.

Dated: July 13, 2009.

Howard L. Hime,

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

[FR Doc. E9–17228 Filed 7–20–09; 8:45 am]

BILLING CODE 4910–15–P

Dated: July 7, 2009.

Deborah S. Ingram,

Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate.

[FR Doc. E9-17211 Filed 7-20-09; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 401

[Docket No. USCG-2008-1126]

RIN 1625-AB29

2009 Rates for Pilotage on the Great Lakes

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is increasing the rates for pilotage service on the Great Lakes by an average of 10.77% over the rates that took effect February 4, 2009. This increase reflects an August 1, 2009, increase in benchmark contractual wages and benefits, as well as an increase in the ratio of pilots to “bridge hours.” The Coast Guard intends the final rule to generate sufficient revenue to cover allowable expenses, target pilot compensation, and returns on investment. The final rule promotes the Coast Guard strategic goal of maritime safety.

DATES: This final rule is effective August 1, 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-2008-1126 and are 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. You may also find this docket on the Internet at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this final rule, please call Mr. Paul Wasserman, Chief, Great Lakes Pilotage Branch, Commandant (CG-54122), U.S. Coast Guard, at 202-372-1535, by fax 202-372-1929, or e-mail Paul.M.Wasserman@uscg.mil. For questions on viewing or submitting material to the docket, call Renee V. Wright, Chief, Dockets, Department of Transportation, telephone 202-493-0402.

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

- AMOU American Maritime Officer Union
- GLPAC Great Lakes Pilotage Advisory Committee
- MISLE Coast Guard Marine Inspection, Safety, and Law Enforcement system
- MOA Memorandum of Agreement
- NAICS North American Industry Classification System
- NPRM Notice of Proposed Rulemaking
- NTTAA National Technology Transfer and Advancement Act
- OMB Office of Management and Budget

II. Effective Date

This final rule takes effect August 1, 2009. Under 5 U.S.C. 553(d), we find good cause for this final rule to take effect less than 30 days after publication. The Great Lakes Pilotage Act of 1960, as amended by Public Law 109-241, section 302, requires the Coast Guard to review and adjust the Great Lakes pilotage rates annually by March 1. We could not issue this final rule until some months after that date due to the time needed to review and resolve comments received on the proposed rule. We nonetheless need to issue the final rule before the August 1, 2009, increase in benchmark contractual wages and benefits that necessitates this year's rate adjustment. Under these circumstances, publication of the final rule 30 days or more in advance of the August 1 benchmark increase is impracticable. The regulated community well understands the significance of the August benchmark increase and anticipates that the final rule will take effect not later than August 1. Therefore, we find that delay of the final rule's effective date beyond August 1, 2009, would be unnecessary, and contrary to the public interest in timely rate increases.

III. Background

We published a notice of proposed rulemaking on April 24, 2009 (NPRM, 74 FR 18669). The NPRM proposed an average 9.41% increase.

This rulemaking increases Great Lakes pilotage rates in accord with the methodology contained in Coast Guard regulations in 46 CFR Parts 401-404. Our regulations implement the Great Lakes Pilotage Act of 1960, 46 U.S.C. Chapter 93, which requires foreign-flag vessels engaged in foreign trade to use Federally registered Great Lakes pilots while transiting the St. Lawrence Seaway and the Great Lakes system, and which requires the Secretary of Homeland Security to “prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.” 46 U.S.C. 9303(f).

The U.S. waters of the Great Lakes and the St. Lawrence Seaway are divided into three pilotage Districts. Pilotage in each District is provided by an association certified by the Coast Guard Director of Great Lakes Pilotage to operate a pilotage pool. It is important to note that, while we set rates, we do not control the actual number of pilots an association maintains, so long as the association is able to provide safe, efficient, and reliable pilotage service, nor do we control the actual compensation that pilots receive. This is determined by each of the three District associations, which use different compensation practices.

District One, consisting of Areas 1 and 2, includes all U.S. waters of the St. Lawrence River and Lake Ontario. District Two, consisting of Areas 4 and 5, includes all U.S. waters of Lake Erie, the Detroit River, Lake St. Clair, and the St. Clair River. District Three, consisting of Areas 6, 7, and 8, includes all U.S. waters of the St. Mary's River, Sault Ste. Marie Locks, and Lakes Michigan, Huron, and Superior. Area 3 is the Welland Canal, which is serviced exclusively by the Canadian Great Lakes Pilotage Authority and, accordingly, is not included in the U.S. rate structure. Areas 1, 5, and 7 have been designated by Presidential Proclamation, pursuant to the Great Lakes Pilotage Act of 1960, to be waters in which pilots must at all times be fully engaged in the navigation of vessels in their charge. Areas 2, 4, 6, and 8 have not been so designated because they are open bodies of water. Under the Great Lakes Pilotage Act of 1960, pilots assigned to vessels in these areas are only required to “be on board and available to direct the navigation of

the vessel at the discretion of and subject to the customary authority of the master.” 46 U.S.C. 9302(a)(1)(B).

Our pilotage regulations require annual reviews of pilotage rates and the setting of new rates at least once every five years, or sooner, if annual reviews show a need. 46 CFR 404.1. To assist in calculating pilotage rates, the pilotage associations are required to submit annual financial statements prepared by certified public accounting firms. In addition, every fifth year, in connection with the mandatory rate adjustment, we contract with an independent accounting firm to conduct a full audit of the accounts and records of the pilotage associations and prepare and submit financial reports relevant to the ratemaking process. In those years when a full ratemaking is conducted, we generate the pilotage rates using Appendix A to 46 CFR Part 404. The last Appendix A review was concluded in 2006 (71 FR 16501, Apr. 3, 2006). Between the five-year full ratemaking intervals, we annually review the pilotage rates using Appendix C to Part 404, and adjust rates when deemed appropriate. We conducted Appendix C reviews in 2007 and 2008, and increased rates in both years. The 2008 final rule was published January 5, 2009 (74 FR 220), and took effect on February 4, 2009. We define the terms and formulas used in Appendix A and Appendix C in Appendix B to Part 404.

This final rule concludes the annual Appendix C rate review for 2009, and increases rates by an average of 10.77% over the rates that took effect February 4, 2009.

IV. Discussion of Comments

We received four comments during the NPRM public comment period.

Timeliness. Three commenters, including a pilots' association, pointed out that 46 U.S.C. 9303(f), as amended by Public Law 109–241, sec. 302, requires us to review and, if necessary, establish adjusted pilotage rates by March 1 of each year, in order to provide critical information before the start of the annual Great Lakes shipping season, usually in early spring. These commenters point out that we have not met the March 1, 2009, deadline for this year's review. We acknowledge this and future compliance is a Coast Guard priority. In 2007 and 2008, we mitigated the impact of delay by ensuring that interim rules were in place at the opening of the shipping season. In letters dated April 24, 2007, and March 3, 2008, the pilots' associations expressed their appreciation to the Coast Guard for these efforts. In 2009, publishing a rule at the beginning of the

shipping season was not possible, but we hope to mitigate the impact of delay by issuing the final rule so that it takes effect on August 1, 2009, when the benchmark contract increase that accounts for a meaningful portion of this year's rate adjustment takes effect.

“Pilots needed” and rounding. One commenter said that, in calculating the number of pilots needed in each Area, we should always round the result of our mathematical calculations up to the nearest “whole pilot,” and another commenter criticized the imprecision of the language we used in the NPRM to describe our rounding. We agree with this latter comment and have revised our language in this final rule.

We acknowledge that in recent years we have usually rounded the results of the mathematical calculation used to determine the number of “pilots needed,” pursuant to our discretionary authority “to make adjustments to these numbers to ensure uninterrupted pilotage service in each area, or for other reasonable circumstances.” 46 CFR Part 404, Appendix A, Step 2.B (also applicable in Appendix C calculations). This rounding has never been performed as a matter of policy, nor do we adopt it as policy now. In fact, our current ratemaking methodology requires no rounding whatsoever, and until 2006, what rounding we applied was merely up or down to the nearest tenth of a whole number: *see, e.g.*, our December 12, 2003 (68 FR 69564) and March 10, 2005 (70 FR 12082) interim rules.

In the April 3, 2006 final rule (71 FR 16501), we acknowledged nine public comments in favor of rounding to whole numbers and approved the use of that process for that rule. However, we did not actually apply that methodology in the 2006 final rule. The mathematical result of our 2006 calculations was a whole number in each of the seven Areas, because we rounded the bridge hour projections (not pilot numbers) that year.

In the 2007 interim rule (72 FR 8115, Feb. 23, 2007), we agreed with a public commenter that the rounding of bridge hour projections in 2006 was a departure from past practice and agreed to use unrounded bridge hour projections. We also rounded the mathematical results of our pilots-needed calculations up to the next whole number in all six Areas where rounding was needed. These calculations were unchanged in the 2007 final rule (72 FR 53158, Sep. 18, 2007).

In 2008, the March 21, 2008 interim rule (73 FR 15092) adopted without change the calculations proposed in the

February 1, 2008 NPRM (73 FR 6085). Mathematical results of pilots-needed calculations were rounded up in all six Areas where rounding was needed. However, we introduced three adjustments in the 2008 final rule (74 FR 220, Jan. 5, 2009). These adjustments responded to public comments that pointed out that the NPRM and interim rule overstated the bridge hour projections for Areas 2, 4, and 5.

The first adjustment reduced projected bridge hours in Area 2 from 7,993 to 5,650, but kept the “pilots needed” for Area 2 at five, one more than would have been indicated by rounding up the mathematical result ($5,650/1,800 = 3.14$, rounded up = 4). We exercised our discretion to do so because “experience has demonstrated the need for at least five pilots in that Area,” a need that we discussed in detail in the final rule at 74 FR 221.

Second, in Area 4, we reduced projected bridge hours from 8,490 to 7,320, and rounded the mathematical result ($7,320/1,800 = 4.07$) down to four pilots needed. Third, in Area 5, we reduced projected bridge hours from 6,395 to 5,097, and rounded the mathematical result ($5,097/1,000 = 5.10$) up to six pilots. We exercised our discretion in these two Areas “because the District 2 Pilots' Association has routinely operated with an average of one less pilot than is authorized under the rate and for the last season and a half with two fewer pilots than authorized. Accordingly, a reduction of one pilot per Area reflects actual practice.” 74 FR at 222. We might also have observed that pilots in one Area frequently operate in other Areas as well, that District Two comprises both Areas 4 and 5, and that the minimal downward adjustment from 4.07 to 4 in Area 4 should therefore be balanced against the more substantial rounding up, from 5.10 to 6, in Area 5.

We acknowledge that the determination of pilots needed is an issue of concern to many, and that some might wish to see the formula for that determination modified to require “rounding up” in all instances. We observe that the ratemaking formula was never designed to produce anything more than a useful model for subsequent calculations. It could be argued that the model worked best without rounding, or with only limited rounding, for example because rounding up inflates pilot numbers and makes it less likely that pilots will be able to reach their target compensation. We defer consideration of such arguments until they can be made and considered in the context of an overall review of our ratemaking methodology. Until

then, we intend to apply the pilots-needed calculations much as we have done since 2007.

Data for bridge hour projections. One commenter said we failed to consult industry in projecting 2009 vessel traffic, and that our bridge hour projections for 2009 (*i.e.*, the projection of hours pilots are aboard vessels providing pilotage service) should have been based on 2008 figures rather than on 2007 figures. To meet the statutory deadline for establishing rates by March 1, 2009, we began preparing the 2009 NPRM long before actual data for 2008 was available. Although our practice has not been to document every contact with industry or pilots, our regulations and our ratemaking methodology presuppose frequent informal contacts between the Director of Great Lakes Pilotage, industry, and pilots. The information received through those contacts is submitted for public comment in our NPRM. In this case, our use of 2007 figures for 2009, instead of waiting for 2008 figures, was based on 2008 informal discussions with pilot and industry representatives that endorsed the continued use of 2007 figures, with some modifications. Those modifications were explained in the April 2009 NPRM.

We agree with one commenter who said that the NPRM did not adequately explain the difference in Area 6 and Area 7 base period bridge hours (18,000 and 3,863, respectively), and the 2009 projected bridge hours for those Areas (13,406 and 3,259, respectively). Areas 6 and 7 experienced a significant decrease in 2007 actual bridge hours, from 2007 projections. Therefore, the 2009 projections for those Areas reflects their actual 2007 bridge hours, and then further reduces those figures by an additional 10% in each Area.

One commenter said we should adjust Area 1 projected bridge hours to more accurately reflect anticipated traffic for the 2009 shipping season, as we did for areas 2, 4, and 5 in the 2008 final rule and as we proposed for District Three in the 2009 NPRM. We agree and, in this final rule, we are reducing the projected bridge hours for Area 1 from 5661 to 5203. We are also adjusting District Three bridge hours as indicated in the NPRM.

Class 4 vessels. One commenter said that our pilotage rates for Class 4 vessels are 15% higher than Canadian rates. This may be true, but in the past year the difference has been less than 1%, but has varied subsequently due to fluctuations in the relative value of U.S. and Canadian currency.

Miscellaneous. Three commenters took issue with various aspects of our ratemaking methodology. These comments are beyond the scope of this rulemaking, which applies the methodology as it exists today, but we address two points briefly here. One commenter petitioned the Coast Guard to review our formula for setting benchmark compensation levels of Great Lakes vessel masters. We deny that petition because we have previously conducted the requested review and believe the formula is correct: a supporting memorandum appears in the docket for this rulemaking as USCG–2008–1126–0017. The same commenter criticized us for not yet adopting the recommendations of Rear Admiral Timothy J. Riker’s 2003 report on Great Lakes bridge hours. We decline to adopt the Riker Report recommendations in full because we do not think the Report adequately accounted for the difference between a Great Lakes pilot’s active, on call, work life during a portion of the year and the work life of an office-based

40 hour per week worker through a 52-week year.

We acknowledge that through the years, both pilots and industry have indicated concerns about aspects of our ratemaking methodology. Some of those concerns are described in communications that we received between January 2009, when we published the 2008 final rule, and April 2009, when we published the 2009 NPRM. Those communications appear in the docket for this rulemaking as supplemental material. To obtain a more comprehensive understanding of these concerns, we have decided to publish a notice focusing on our ratemaking methodology, and requesting public comments. That notice appears elsewhere in today’s **Federal Register**. We will refer the comments we receive to the Great Lakes Pilotage Advisory Committee, which Congress established to advise the Coast Guard on significant policy decisions relating to Great Lakes pilotage.

V. Discussion of the Final Rule

A. Summary

We are increasing pilotage rates in accordance with the methodology outlined in Appendix C to 46 CFR Part 404, by increasing rates an average 10.77% over the 2008 final rule. This final rule puts into place, with two modifications, the rate changes we proposed in the April 24, 2009 NPRM. The first modification adjusts projected bridge hours in Area 1 as discussed in part IV of this preamble. The second modification updates the ship tonnage percentages under the AMO union contracts. This second modification accounts for only 0.36% of the overall rate increase.

TABLE 1—2009 AREA RATE CHANGES

If pilotage service is required in:	Then the proposed percentage increases over the current rate is:
Area 1 (designated waters)	13.43
Area 2 (undesignated waters)	4.79
Area 4 (undesignated waters)	4.90
Area 5 (designated waters)	4.48
Area 6 (undesignated waters)	12.52
Area 7 (designated waters)	23.64
Area 8 (undesignated waters)	2.52
Overall rate change (percentage change in overall prospective unit costs/base unit costs; see Table 18)	10.77

Rates for cancellation, delay, or interruption in rendering services (46 CFR 401.420), and basic rates and charges for carrying a U.S. pilot beyond the normal change point, or for boarding

at other than the normal boarding point (46 CFR 401.428), have been increased by 10.77% in all Areas.

B. Calculating the Rate Adjustment

The Appendix C ratemaking calculation involves eight steps:
Step 1: Calculate the total economic costs for the base period (*i.e.*, pilot

compensation expense plus all other recognized expenses plus the return element) and divide by the total bridge hours used in setting the base period rates;

Step 2: Calculate the “expense multiplier,” the ratio of other expenses and the return element to pilot compensation for the base period;

Step 3: Calculate an annual “projection of target pilot compensation” using the same procedures found in Step 2 of Appendix A;

Step 4: Increase the projected pilot compensation in Step 3 by the expense multiplier in Step 2;

Step 5: Adjust the result in Step 4, as required, for inflation or deflation;

Step 6: Divide the result in Step 5 by projected bridge hours to determine total unit costs;

Step 7: Divide prospective unit costs in Step 6 by the base period unit costs in Step 1; and

Step 8: Adjust the base period rates by the percentage changes in unit cost in Step 7.

The base data used to calculate each of the eight steps comes from the 2008 final rule, published in January 2009. We also used the most recent union contracts between the American Maritime Officers Union (AMOU) and vessel owners and operators on the Great Lakes, which we received on August 16, 2007, to determine target pilot compensation. Bridge hour projections for the 2009 season have been obtained from historical data, pilots, and industry. All documents and records used in this rate calculation have been placed in the public docket for this rulemaking and are available for review at the addresses listed under **ADDRESSES**.

Some values may not total exactly due to format rounding for presentation in charts and explanations in this section. The rounding does not affect the

integrity or truncate the real value of the calculations in the ratemaking methodology described below.

Step 1: Calculate the total economic cost for the base period. The calculations in Step 1 are unchanged from the NPRM, but are repeated for your convenience.

In this step, for each Area, we divide total economic costs for the base period by the total bridge hours used in setting the base period rates, to yield the base cost per bridge hour. Total base period economic costs include pilot compensation expenses, plus all other recognized expenses, plus the return element. The calculations providing the total base period economic costs for each Area are summarized in Table 16 of the 2008 final rule. Total bridge hours used in setting the base period rates were calculated in Table 13 of the 2008 final rule. Tables 2 through 4 summarize the Step 1 calculations:

TABLE 2—TOTAL ECONOMIC COST FOR BASE PERIOD, DISTRICT ONE

	Area 1 St. Lawrence River	Area 2 Lake Ontario	Total District One
Total base period economic costs	\$2,078,551	\$1,474,806	\$3,553,357
Base bridge hours	+ 5,661	+ 5,650	+ 11,311
Base cost per bridge hour	= \$367.17	= \$261.03	= \$314.15

TABLE 3—TOTAL ECONOMIC COST FOR BASE PERIOD, DISTRICT TWO

	Area 4 Lake Erie	Area 5 Southeast Shoal to Port Huron, MI	Total District Two
Total base period economic costs	\$1,251,203	\$2,334,169	\$3,585,372
Base bridge hours	+ 7,320	+ 5,097	+ 12,417
Base cost per bridge hour	= \$170.93	= \$457.95	= \$288.75

TABLE 4—TOTAL ECONOMIC COST FOR BASE PERIOD, DISTRICT THREE

	Area 6 Lakes Huron and Michigan	Area 7 St. Mary's River	Area 8 Lake Superior	Total District Three
Total base period economic costs	\$2,884,724	\$1,427,515	\$1,944,032	\$6,256,273
Base bridge hours	+ 18,000	+ 3,863	+ 11,390	+ 33,253
Base cost per bridge hour	= \$160.26	= \$369.54	= \$170.68	= \$188.14

Step 2. Calculate the expense multiplier. The calculations in Step 2 are unchanged from the NPRM, but are repeated for your convenience.

In this step, for each Area, we calculate an expense multiplier by dividing the base operating expense, shown in Table 16, Column B of the 2008 final rule, by base pilot

compensation, shown in Table 16, Column C of the 2008 final rule. Tables 5 through 7 show the Step 2 calculations.

TABLE 5—EXPENSE MULTIPLIER, DISTRICT ONE

	Area 1 St. Lawrence River	Area 2 Lake Ontario	Total District One
Base operating expense	\$516,138	\$529,046	\$1,045,185

TABLE 5—EXPENSE MULTIPLIER, DISTRICT ONE—Continued

	Area 1 St. Lawrence River	Area 2 Lake Ontario	Total District One
Base target pilot compensation	÷ \$1,562,413	÷ \$945,760	÷ \$2,508,173
Expense multiplier	= .33035	= .55939	= .41671

TABLE 6—EXPENSE MULTIPLIER, DISTRICT TWO

	Area 4 Lake Erie	Area 5 Southeast Shoal to Port Huron, MI	Total District Two
Base operating expense	\$494,595	\$771,756	\$1,266,351
Base target pilot compensation	÷ \$756,608	÷ \$1,562,413	÷ \$2,319,021
Expense multiplier	= .65370	= .49395	= .54607

TABLE 7—EXPENSE MULTIPLIER, DISTRICT THREE

	Area 6 Lakes Huron and Michigan	Area 7 St. Mary's River	Area 8 Lake Superior	Total District Three
Base operating expense	\$993,207	\$385,906	\$619,968	\$1,999,081
Base target pilot compensation	÷ \$1,891,520	÷ \$1,041,609	÷ \$1,324,064	÷ \$4,257,193
Expense multiplier	= .52508	= .37049	= .46823	= .46958

Step 3. Calculate annual projection of target pilot compensation. Step 3 calculations have been modified since the NPRM. In this step, we determine the new target rate of compensation and the new number of pilots needed in each pilotage Area, to determine the new target pilot compensation for each Area.

(a) Determine new target rate of compensation. Target pilot compensation is based on the average annual compensation of first mates and masters on U.S. Great Lakes vessels. Compensation includes wages and benefits. For pilots in undesignated waters, we approximate the first mates' compensation and, in designated waters, we approximate the master's compensation (first mates' wages multiplied by 150% plus benefits). To determine first mates' and masters' average annual compensation, we use data from the most recent AMOU contracts with the U.S. companies

engaged in Great Lakes shipping. Where different AMOU agreements apply to different companies, we apportion the compensation provided by each agreement according to the percentage of tonnage represented by companies under each agreement.

There are two current AMOU contracts. In our April 2009 NPRM, we stated that vessels operated by the American Steamship Co. and Inland Lakes Management Co. (acquired in 2008 by Mittal Steel USA, Inc.) operate under "Agreement A," and that Key Lakes, Inc. and Mittal Steel USA, Inc. vessels (other than the Inland Lakes vessels acquired by Mittal) operate under "Agreement B." However, as of May 2009, Agreement A applies only to Key Lakes, Inc. vessels, and Agreement B applies to all vessels operated by American Steamship Co. and Mittal Steel USA, Inc.

Both Agreement A and Agreement B provide for a 3% wage increase effective

August 1, 2009. Under Agreement A, the daily wage rate will be increased from \$255.28 to \$262.73. Under Agreement B, the daily wage rate will be increased from \$314.42 to \$323.86.

To calculate monthly wages, we apply Agreement A and Agreement B monthly multipliers of 54.5 and 49.5, respectively, to the daily rate. Agreement A's 54.5 multiplier represents 30.5 average working days, 15.5 vacation days, 4 days for four weekends, 3 bonus days, and 1.5 holidays. Agreement B's 49.5 multiplier represents 30.5 average working days, 16 vacation days, and 3 bonus days.

To calculate average annual compensation, we multiply monthly figures by 9 months, the length of the Great Lakes shipping season.

Table 8, which is unchanged from the NPRM, shows new wage calculations based on Agreements A and B effective August 1, 2009.

TABLE 8—WAGES

Monthly component	Pilots on undesignated waters	Pilots on designated waters (undesignated × 150%)
Agreement A: \$262.73 daily rate × 54.5 days	\$14,319	\$21,478
Agreement A: Monthly total × 9 months = total wages	128,870	193,305
Agreement B: \$323.86 daily rate × 49.5 days	16,031	24,046
Agreement B:		

TABLE 8—WAGES—Continued

Monthly component	Pilots on undesignated waters	Pilots on designated waters (undesignated × 150%)
Monthly total × 9 months = total wages	144,278	216,417

Both Agreements A and B include a health benefits contribution rate of \$80.69 effective August 1, 2009. Agreement A includes a pension plan contribution rate of \$33.35 per man-day. Agreement B includes a pension plan contribution rate of \$43.55 per man-day.

Both Agreements A and B provide a 401K employer matching rate, 5% of the wage rate. Neither Agreement A nor Agreement B includes a clerical contribution that appeared in earlier contracts. Per the AMOU, the multiplier

used to calculate monthly benefits is 45.5 days.

Table 9, which is unchanged from the NPRM, shows new benefit calculations based on Agreements A and B, effective August 1, 2009.

TABLE 9—BENEFITS

Monthly component	Pilots on undesignated waters	Pilots on designated waters
Agreement A:		
Employer contribution, 401(K) plan (Monthly Wages × 5%)	\$715.95	\$1,073.92
Pension = \$33.35 × 45.5 days	1,517.43	1,517.43
Health = \$80.69 × 45.5 days	3,671.40	3,671.40
Agreement B:		
Employer contribution, 401(K) plan (Monthly Wages × 5%)	801.54	1,202.32
Pension = \$43.55 × 45.5 days	1,981.53	1,981.53
Health = \$80.69 × 45.5 days	3,671.40	3,671.40
Agreement A:		
Monthly total benefits	= 5,904.77	= 6,262.74
Agreement A:		
Monthly total benefits × 9 months	= 53,143	= 56,365
Agreement B:		
Monthly total benefits	= 6,454.46	= 6,855.24
Agreement B:		
Monthly total benefits × 9 months	= 58,090	= 61,697

Table 10, which is unchanged from the NPRM, totals the wages and benefits under each agreement.

TABLE 10—TOTAL WAGES AND BENEFITS

	Pilots on undesignated waters	Pilots on designated waters
Agreement A: Wages	\$128,870	\$193,305
Agreement A: Benefits	+ 53,143	+ 56,365
Agreement A: Total	= 182,013	= 249,670
Agreement B: Wages	144,278	216,417
Agreement B: Benefits	+ 58,090	+ 61,697
Agreement B: Total	= 202,368	= 278,114

Table 11, as it appeared in the NPRM, has been revised to reflect the change in the distribution of vessels operating

under Agreements A and B as of May 2009. It shows that approximately 30% of U.S. Great Lakes shipping deadweight

tonnage operates under Agreement A, with the remaining 70% operating under Agreement B.

TABLE 11—DEADWEIGHT TONNAGE BY AMOU AGREEMENT

Company	Agreement A	Agreement B
American Steamship Company		815,600

TABLE 11—DEADWEIGHT TONNAGE BY AMOU AGREEMENT—Continued

Company	Agreement A	Agreement B
Mittal Steel USA, Inc	38,826
Key Lakes, Inc	361,385
Total tonnage, each agreement	361,385	854,426
Percent tonnage, each agreement	361,385 ÷ 1,215,811 = 29.7238%	854,426 ÷ 1,215,811 = 70.2762%

Table 12, as it appeared in the NPRM, has been modified. It applies the percentage of tonnage represented by each agreement to the wages and benefits provided by each agreement, to determine the projected target rate of compensation on a tonnage-weighted basis.

TABLE 12—PROJECTED TARGET RATE OF COMPENSATION, WEIGHTED

	Undesignated waters	Designated waters
AGREEMENT A: Total wages and benefits × percent tonnage	\$182,013 × 29.72% = \$54,101	\$249,670 × 29.72% = \$74,211
AGREEMENT B: Total wages and benefits × percent tonnage	\$202,368 × 70.28% = \$142,217	\$278,114 × 70.28% = \$195,448
Total weighted average wages and benefits = projected target rate of compensation ...	\$54,101 + \$142,217 = \$196,318	\$74,211 + \$195,448 = \$269,659

(b) Determine number of pilots needed. Subject to discretionary adjustment by the Director of Great Lakes Pilotage to ensure uninterrupted service or for other reasonable circumstances, we determine the number of pilots needed in each Area by dividing each Area's projected bridge hours, either by 1,000 (designated waters) or by 1,800 (undesignated waters). The resulting number is rounded either up or down based upon the needs of commerce at the discretion of the Director.

Bridge hours are the number of hours a pilot is aboard a vessel providing pilotage service. Projected bridge hours are based on the vessel traffic that pilots are expected to serve. Based on historical data and information provided by pilots and industry, the Coast Guard projects the same bridge hours for Areas 2, 4, 5, and 8 in 2009 as were projected in the 2008 final rule. As discussed in Part IV of this preamble, we are reducing projected bridge hours for Areas 1, 6, and 7. With these reductions, we are reducing the number of pilots in Area 6 by two.

Table 13, as it appeared in the NPRM, has been modified to reflect the reductions in Areas 1, 6, and 7 bridge hour projections. Table 13 shows the projected bridge hours needed for each Area, and the total number of pilots needed after dividing those figures either by 1,000 or 1,800 and, for the purposes of this rulemaking only, rounding up to the next whole pilot, with two exceptions. In Area 2 we round up from 3.14 to 5, and in Area 4 we round down from 4.07 to 4, for the reasons discussed in the 2008 final rule.

TABLE 13—NUMBER OF PILOTS NEEDED

Pilotage area	Projected 2009 bridge hours	Divided by 1,000 (designated waters) or 1,800 (undesignated waters)	Pilots needed (total = 40)
Area 1	5,203	1,000	6
Area 2	5,650	1,800	5
Area 4	7,320	1,800	4
Area 5	5,097	1,000	6
Area 6	13,406	1,800	8
Area 7	3,259	1,000	4
Area 8	11,630	1,800	7

(c) Determine the projected target pilot compensation for each Area. We project new total target pilot compensation separately for each

pilotage Area, by multiplying the number of pilots needed in each Area (see Table 13) by the projected target rate of compensation (see Table 12) for

pilots working in that Area. Table 14 (modified from NPRM version) shows this calculation.

TABLE 14—PROJECTED TARGET PILOT COMPENSATION

Pilotage Area	Pilots needed (total = 40)	Multiplied by target rate of compensation	Projected target pilot compensation
Area 1	6	× \$269,659	\$1,617,955
Area 2	5	× 196,318	981,589
Total, District One	11	2,599,544
Area 4	4	× 196,318	785,271
Area 5	6	× 269,659	1,617,955
Total, District Two	10	2,403,226
Area 6	8	× 196,318	1,570,542
Area 7	4	× 269,659	1,078,637
Area 8	7	× 196,318	1,374,224
Total, District Three	19	4,023,403

Step 4: Increase the projected pilot compensation in Step 3 by the expense multiplier in Step 2. Step 4 calculations

have been modified since the NPRM. This step yields a projected increase in operating costs necessary to support the

increased projected pilot compensation. Table 15 (modified from NPRM version) shows this calculation.

TABLE 15—PROJECTED OPERATING EXPENSE

Pilotage area	Projected target pilot compensation	Multiplied by expense multiplier	Projected operating expense*
Area 1	\$1,617,955	× .33035	\$534,487
Area 2	981,589	× .55939	549,089
Total, District One	2,599,544	× .41671	1,083,260
Area 4	785,271	× .65370	513,332
Area 5	1,617,955	× .49395	799,192
Total, District Two	2,403,226	× .54607	1,312,333
Area 6	1,570,542	× .52508	824,666
Area 7	1,078,637	× .37049	399,625
Area 8	1,374,224	× .46823	643,454
Total, District Three	4,023,403	× .46958	1,889,298

*Unique expense multipliers are used to calculate projected operating expense for all areas and districts, and as such, projected operating expense for Districts One, Two and Three may not equal the sum of the projected operating expense for the areas.

Step 5: Adjust the result in Step 4, as required, for inflation or deflation, and calculate projected total economic cost. Step 5 calculations have been modified since the NPRM. Based on data from the

U.S. Department of Labor’s Bureau of Labor Statistics, we have multiplied the results in Step 4 by a 1.027 inflation factor, reflecting an average inflation rate of 2.7% in “Midwest Economy—

Consumer Prices” between 2006 and 2007, the latest years for which data are available. Table 16 (modified from NPRM version) shows this calculation and the projected total economic cost.

TABLE 16—PROJECTED TOTAL ECONOMIC COST

Pilotage area	A. Projected operating expense	B. Increase, multiplied by inflation factor (= A × 1.027)	C. Projected target pilot compensation	D. Projected total economic cost (= B + C)
Area 1	\$534,487	\$548,918	\$1,617,955	\$2,166,873
Area 2	549,089	563,914	981,589	1,545,503
Total, District One	1,083,260	1,112,508	2,599,544	*3,712,052
Area 4	513,332	527,192	785,271	1,312,463
Area 5	799,192	820,770	1,617,955	2,438,725
Total, District Two	1,312,333	1,347,766	2,403,226	*3,750,992
Area 6	824,666	846,932	1,570,542	2,417,474
Area 7	399,625	410,415	1,078,637	1,489,052

TABLE 16—PROJECTED TOTAL ECONOMIC COST—Continued

Pilotage area	A. Projected operating expense	B. Increase, multiplied by inflation factor (= A × 1.027)	C. Projected target pilot compensation	D. Projected total economic cost (= B + C)
Area 8	643,454	660,828	1,374,224	2,035,052
Total, District Three	1,889,298	1,940,310	4,023,403	*5,963,713

*Unique expense multipliers are used to calculate projected operating expense for all areas and districts, and as such, projected total economic cost for Districts One, Two and Three may not equal the sum of the projected total economic cost for the areas.

Step 6: Divide the result in Step 5 by projected bridge hours to determine total unit costs. Step 6 calculations have been modified since the NPRM. Table 17 (modified from NPRM version) shows this calculation.

TABLE 17—TOTAL UNIT COSTS

Pilotage area	A. Projected total economic cost	B. Projected 2009 bridge hours	Prospective (total) unit costs (A divided by B)
Area 1	\$2,166,873	5,203	\$416.47
Area 2	1,545,503	5,650	273.54
Total, District One	3,712,052	10,853	342.03
Area 4	1,312,463	7,320	179.30
Area 5	2,438,725	5,097	478.46
Total, District Two	3,750,992	12,417	302.09
Area 6	2,417,474	13,406	180.33
Area 7	1,489,052	3,259	456.90
Area 8	2,035,052	11,630	174.98
Total, District Three	5,963,713	28,295	210.77
Overall	13,426,758	51,565	260.39

Step 7: Divide prospective unit costs (total unit costs) in Step 6 by the base period unit costs in Step 1. Step 7 calculations have been modified since the NPRM. Table 18 (modified from NPRM version) shows this calculation, which expresses the percentage change between the total unit costs and the base unit costs. The results, for each Area, are identical with the percentage increases listed in Table 1.

TABLE 18—PERCENTAGE CHANGE, PROSPECTIVE IN UNIT COSTS

Pilotage area	A. Prospective unit costs	B. Base period unit costs	C. Percentage change from base (A divided by B; result expressed as percentage)
Area 1	\$416.47	\$367.17	13.43
Area 2	273.54	261.03	4.79
Total, District One	342.03	314.15	8.87
Area 4	179.30	170.93	4.90
Area 5	478.46	457.95	4.48
Total, District Two	302.09	288.75	4.62
Area 6	180.33	160.26	12.52
Area 7	456.90	369.54	23.64
Area 8	174.98	170.68	2.52
Total, District Three	210.77	188.14	12.03
Overall	260.39	235.08	10.77

Step 8: Adjust the base period rates by the percentage change in unit costs in

Step 7. Step 8 calculations have been modified since the NPRM. Table 19

(modified from NPRM version) shows this calculation.

TABLE 19—BASE PERIOD RATES ADJUSTED BY PERCENTAGE CHANGE IN UNIT COSTS*

Pilotage	A. Base period rate	B. Percentage change in unit costs	C. Increase in base rate (A × B%)	D. Adjusted rate (A + C, rounded to nearest cent)
Area 1		13.43 (1.1343)		
—Basic pilotage	\$14.94/km, \$26.44/mi		\$2.00/km, \$3.55/mi	\$16.95/km, \$29.99/mi
—Each lock transited	331.03		44.44	375.47
—Harbor movage	1,083.89		145.52	1,229.41
—Minimum basic rate, St. Lawrence River	722.98		97.07	820.04
—Maximum rate, through trip	3,173.51		426.07	3,599.58
Area 2		4.79 (1.0479)		
—6-hr. period	780.23		37.40	817.63
—Docking or undocking	744.24		35.68	779.92
Area 4		4.90 (1.0490)		
—6-hr. period	688.35		33.70	722.05
—Docking or undocking	530.49		25.97	556.46
—Any point on Niagara River below Black Rock Lock	1,354.15		66.30	1,420.45
Area 5 between any point on or in		4.48 (1.0448)		
—Toledo or any point on Lake Erie W. of Southeast Shoal	1,243.75		55.71	1,299.46
—Toledo or any point on Lake Erie W. of Southeast Shoal & Southeast Shoal	2,104.72		94.28	2,198.99
—Toledo or any point on Lake Erie W. of Southeast Shoal & Detroit River	2,732.79		122.41	2,855.20
—Toledo or any point on Lake Erie W. of Southeast Shoal & Detroit Pilot Boat	2,104.72		94.28	2,198.99
—Port Huron Change Point & Southeast Shoal (when pilots are not changed at the Detroit Pilot Boat)	3,665.60		164.20	3,829.80
—Port Huron Change Point & Toledo or any point on Lake Erie W. of Southeast Shoal (when pilots are not changed at the Detroit Pilot Boat)	4,246.60		190.22	4,436.82
—Port Huron Change Point & Detroit River	2,753.85		123.36	2,877.20
—Port Huron Change Point & Detroit Pilot Boat	2,141.88		95.94	2,237.82
—Port Huron Change Point & St. Clair River	1,522.48		68.20	1,590.68
—St. Clair River	1,243.75		55.71	1,299.46
—St. Clair River & Southeast Shoal (when pilots are not changed at the Detroit Pilot Boat)	3,665.60		164.20	3,829.80
—St. Clair River & Detroit River/Detroit Pilot Boat	2,753.85		123.36	2,877.20
—Detroit, Windsor, or Detroit River	1,243.75		55.71	1,299.46
—Detroit, Windsor, or Detroit River & Southeast Shoal	2,104.72		94.28	2,198.99
—Detroit, Windsor, or Detroit River & Toledo or any point on Lake Erie W. of Southeast Shoal	2,732.79		122.41	2,855.20
—Detroit, Windsor, or Detroit River & St. Clair River	2,753.85		123.36	2,877.20
—Detroit Pilot Boat & Southeast Shoal	1,522.48		68.20	1,590.68
—Detroit Pilot Boat & Toledo or any point on Lake Erie W. of Southeast Shoal	2,104.72		94.28	2,198.99
—Detroit Pilot Boat & St. Clair River	2,753.85		123.36	2,877.20
Area 6		12.52 (1.1252)		
—6-hr. period	553.62		69.31	622.93
—Docking or undocking	525.88		65.84	591.72
Area 7 between any point on or in		23.64 (1.2364)		
—Gros Cap & De Tour	1,975.83		467.15	2,442.98
—Algoma Steel Corp. Wharf, Sault Ste. Marie, Ont. & De Tour	1,975.83		467.15	2,442.98
—Algoma Steel Corp. Wharf, Sault Ste. Marie, Ont. & Gros Cap	744.10		175.93	920.03
—Any point in Sault Ste. Marie, Ont., except the Algoma Steel Corp. Wharf & De Tour	1,656.11		391.55	2,047.67
—Any point in Sault Ste. Marie, Ont., except the Algoma Steel Corp. Wharf & Gros Cap	744.10		175.93	920.03
—Sault Ste. Marie, MI & De Tour	1,656.11		391.55	2,047.67
—Sault Ste. Marie, MI & Gros Cap	744.10		175.93	920.03
—Harbor movage	744.10		175.93	920.03
Area 8		2.52 (1.0252)		
—6-hr. period	535.92		13.51	549.44
—Docking or undocking	509.36		12.84	522.20

Rates for "Cancellation, delay or interruption in rendering services (§ 401.420)" and "Basic Rates and charges for carrying a U.S. pilot beyond the normal change point, or for boarding at other than the normal boarding point (§ 401.428)" are not reflected in this table but have been increased by 10.77% across all areas.

VI. 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.

A. Regulatory Planning and Review

Executive Order 12866, “Regulatory Planning and Review,” 58 FR 51735, October 4, 1993, requires a determination whether a regulatory action is “significant” and therefore subject to review by the Office of Management and Budget (OMB) and subject to the requirements of the Executive Order. This rulemaking is not significant under Executive Order 12866 and will not be reviewed by OMB.

The Coast Guard is required to conduct an annual review of pilotage rates on the Great Lakes and, if necessary, adjust these rates to align compensation levels between Great Lakes pilots and industry. See the “Background and Purpose” section for a detailed explanation of the legal authority and requirements for the Coast Guard to conduct an annual review and provide possible adjustments of pilotage rates on the Great Lakes. Based on our annual review for this rulemaking, we are adjusting the pilotage rates for the 2009 shipping season to generate sufficient revenue to cover allowable expenses, target pilot compensation, and returns on investment.

This rule will implement a 10.77% overall rate adjustment for the Great Lakes system over the current rate as adjusted in the 2008 final rule. These adjustments to Great Lakes pilotage rates meet the requirements set forth in 46 CFR part 404 for similar compensation levels between Great Lakes pilots and industry. They also include adjustments for inflation and

changes in association expenses to maintain these compensation levels.

In general, we expect an increase in pilotage rates for a certain area to result in additional costs for shippers using pilotage services in that area, while a decrease would result in a cost reduction or savings for shippers in that area. This rule will result in a distributional effect that transfers payments (income) from affected shippers (vessel owners and operators) to the Great Lakes’ pilot associations through Coast Guard regulated pilotage rates.

The shippers affected by these rate adjustments are those owners and operators of domestic vessels operating on register (employed in the foreign trade) and owners and operators of foreign vessels on a route within the Great Lakes system. These owners and operators must have pilots or pilotage service as required by 46 U.S.C. 9302. There is no minimum tonnage limit or exemption for these vessels. However, the Coast Guard issued a policy position several years ago stating that the statute applies only to commercial vessels and not to recreational vessels.

Owners and operators of other vessels that are not affected by this rule, such as recreational boats and vessels only operating within the Great Lakes system, may elect to purchase pilotage services. However, this election is voluntary and does not affect the Coast Guard’s calculation of the rate increase and is not a part of our estimated national cost to shippers.

We reviewed a sample of pilot source forms, which are the forms used to record pilotage transactions on vessels, and discovered very few cases of U.S. Great Lakes vessels (*i.e.*, domestic vessels without registry operating only in the Great Lakes) that purchased pilotage services. We assume some vessel owners and operators may also

choose to purchase pilotage services if their vessels are carrying hazardous substances or were navigating the Great Lakes system with inexperienced personnel. Based on information from the Coast Guard Office of Great Lakes Pilotage, we have determined that these vessels voluntarily chose to use pilots and, therefore, are exempt from pilotage requirements.

We used 2006–2007 vessel arrival data from the Coast Guard’s Marine Inspection, Safety, and Law Enforcement system (MISLE) to estimate the average annual number of vessels affected by the rate adjustment to be 208 vessels that journey into the Great Lakes system. These vessels entered the Great Lakes by transiting through or in part of at least one of the three pilotage Districts before leaving the Great Lakes system. These vessels often make more than one distinct stop, docking, loading, and unloading at facilities in Great Lakes ports. Of the total trips for the 208 vessels, there were approximately 923 annual U.S. port arrivals before the vessels left the Great Lakes system, based on 2006–2007 vessel data from MISLE.

The impact of the rate adjustment to shippers is estimated from the district pilotage revenues. These revenues represent the direct and indirect costs (“economic costs”) that shippers must pay for pilotage services. The Coast Guard sets rates so that revenues equal the estimated cost of pilotage.

We estimate the additional impact (costs or savings) of the rate adjustment in this final rule to be the difference between the total projected revenue needed to cover costs based on the 2008 rate adjustment and the total projected revenue needed to cover costs in this final rule for 2009. Table 20 details additional costs or savings by area and district.

TABLE 20—RATE ADJUSTMENT AND ADDITIONAL IMPACT OF THE FINAL RULE (\$U.S.; NON-DISCOUNTED) ¹

	Total projected expenses in 2008	Proposed rate change	Total projected expenses in 2009 ³	Additional revenue or cost of this rule-making ²
Area 1	\$2,078,551	1.0425	2,166,873	\$88,322
Area 2	1,474,806	1.0479	1,545,503	70,697
Total, District One	3,553,357	1.0447	3,712,052	158,695
Area 4	1,251,203	1.0490	1,312,463	61,260
Area 5	2,334,169	1.0448	2,438,725	104,556
Total, District Two	3,585,372	1.0462	3,750,992	165,620
Area 6	2,884,724	0.8380	2,417,474	(467,250)
Area 7	1,427,515	1.0431	1,489,052	61,537
Area 8	1,944,032	1.0468	2,035,052	91,020

TABLE 20—RATE ADJUSTMENT AND ADDITIONAL IMPACT OF THE FINAL RULE (\$U.S.; NON-DISCOUNTED)¹—Continued

	Total projected expenses in 2008	Proposed rate change	Total projected expenses in 2009 ³	Additional revenue or cost of this rule-making ²
Total, District Three	6,256,273	0.9532	5,963,713	(292,560)

¹ Some values may not total due to rounding.

² Additional Revenue or Cost of this Rulemaking = 'Total Projected Expenses in 2009' - 'Total Projected Expenses in 2008'.

³ Total Projected Expenses in 2009' and 'Additional Revenue or Cost of this Rulemaking' for Districts One, Two and Three differ from the sum of the area totals due to the use of unique multipliers, as mentioned in Step 5 under 'Calculating the Rate Adjustment'.

After applying the rate change in this rule, the resulting difference between the projected revenue in 2008 and the projected revenue in 2009 is the annual impact to shippers from this rule. This figure will be equivalent to the total additional payments or savings that shippers will incur for pilotage services from this rule. As discussed earlier, we consider a reduction in payments to be a cost savings.

The impact of the rate adjustment in this rule to shippers varies by area and district. The annual costs of the rate adjustments in Districts 1 and 2 are approximately \$159,000 and \$166,000, respectively, while District 3 will experience an annual savings of approximately \$293,000. To calculate an exact cost or savings per vessel is difficult because of the variation in vessel types, routes, port arrivals, commodity carriage, time of season, conditions during navigation, and preferences for the extent of pilotage services on designated and undesignated portions of the Great Lakes system. Some owners and operators will pay more and some will pay less depending on the distance and port arrivals of their vessels' trips. However, the annual cost or savings reported above does capture all of the additional cost the shippers face as a result of the rate adjustment in this rule.

As Table 20 indicates, all areas will experience an increased annual cost due to this rulemaking except Area 6, which will experience a savings. The projected savings for Area 6 is approximately \$467,000. This will cause a net savings for District 3, and is due to a decrease in actual bridge hours in Area 6 from 2008 to 2009. This decrease in bridge hours led to a decrease in the number of pilots needed, from 10 pilots in 2008 to 8 pilots in 2009. This decrease in the number of pilots would reduce the projected revenue needed to cover costs of pilotage services in Area 6.

The effects of a rate adjustment on costs and savings vary by year and area. A decrease in projected expenses for individual areas or districts is common in past pilotage rate adjustments. Most recently, in the 2008 Final Rule, District

2 experienced a decrease in projected expenses due to an adjustment in bridge hours from the 2008 Interim Rule, which led to a savings for that district. However, this savings was not large enough to outweigh the costs to the other districts.

The overall impact of the final rule will be an additional cost to shippers of \$32,000 across all three districts. This differs from the estimated cost savings of \$15,000 in the NPRM due to the projected changes in bridge hours in Area 1,¹ as well as the change in the distribution of vessels operating under Agreements A and B as of May 2009. We explained these two differences from the NPRM in our Part IV discussion of public comments on bridge hour projection data, and in our Part V.B discussion of Step 3(b) rate calculations. These two changes since the NPRM resulted in increased projected expenses, accounting for the overall increased cost to shippers of the final rule.

B. 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 people.

We expect entities affected by the proposed rule would be classified under the North American Industry Classification System (NAICS) code subsector 483—Water Transportation, which includes one or all of the following 6-digit NAICS codes for freight transportation: 483111—Deep Sea Freight Transportation, 483113—Coastal and Great Lakes Freight

¹ When a decrease in traffic is not accompanied by a reduction in pilots, as in this case, projected pilot compensation and other expenses do not decrease. As such, revenue must increase to meet these expenses, which can only be accomplished through rate increases.

Transportation, and 483211—Inland Water Freight Transportation. According to the Small Business Administration's definition, a U.S. company with these NAICS codes and employing less than 500 employees is considered a small entity.

For this rule, we reviewed recent company size and ownership data from 2006–2007 MISLE data and business revenue and size data provided by Reference USA and Dunn and Bradstreet. We were able to gather revenue and size data or link the entities to large shipping conglomerates for 22 of the 24 affected entities in the United States. We found that large, mostly foreign-owned, shipping conglomerates or their subsidiaries owned or operated all vessels engaged in foreign trade on the Great Lakes. We assume that new industry entrants will be comparable in ownership and size to these shippers.

There are three U.S. entities affected by the rule that receive revenue from pilotage services. These are the three pilot associations that provide and manage pilotage services within the Great Lakes districts. Two of the associations operate as partnerships and one operates as a corporation. These associations are classified with the same NAICS industry classification and small entity size standards described above, but they have far fewer than 500 employees: approximately 65 total employees combined. We expect no adverse impact to these entities from this rule since all associations receive enough revenue to balance the projected expenses associated with the projected number of bridge hours and pilots.

Therefore, the Coast Guard has determined that this rule will not have a significant economic impact on a substantial number of small entities under 5 U.S.C. 605(b).

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking. 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.

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).

D. 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). This rule does not change the burden in the collection currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1625-0086, Great Lakes Pilotage Methodology.

E. 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 because there are no similar State regulations, and the States do not have the authority to regulate and adjust rates for pilotage services in the Great Lakes system.

F. 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 would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

H. 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.

I. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

J. 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.

K. 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.

L. 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.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded 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 section 2.B.2, figure 2-1, paragraph (34)(a) of the Instruction. Paragraph 34(a) pertains to minor regulatory changes that are editorial or procedural in nature. This rule adjusts rates in accordance with applicable statutory and regulatory mandates. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under ADDRESSES.

List of Subjects in 46 CFR Part 401

Administrative practice and procedure, Great Lakes, Navigation (water), Penalties, Reporting and recordkeeping requirements, Seamen.

■ For the reasons discussed in the preamble, the Coast Guard amends 46 CFR Part 401 as follows:

PART 401—GREAT LAKES PILOTAGE REGULATIONS

■ 1. The authority citation for part 401 continues to read as follows:

Authority: 46 U.S.C. 2104(a), 6101, 7701, 8105, 9303, 9304; Department of Homeland Security Delegation No. 0170.1; 46 CFR 401.105 also issued under the authority of 44 U.S.C. 3507.

■ 2. In § 401.405, revise paragraphs (a) and (b), including the footnote to Table (a), to read as follows:

§ 401.405 Basic rates and charges on the St. Lawrence River and Lake Ontario.

* * * * *

(a) Area 1 (Designated Waters):

Service	St. Lawrence River
Basic Pilotage	\$16.95 per kilometer or \$29.99 per mile. ¹
Each Lock Transited.	\$375. ¹
Harbor Movage	\$1,229. ¹

¹ The minimum basic rate for assignment of a pilot in the St. Lawrence River is \$820, and the maximum basic rate for a through trip is \$3,599.

(b) Area 2 (Undesignated Waters):

Service	Lake Ontario
Six-Hour Period	\$818
Docking or Undocking	780

§ 401.407 Basic rates and charges on Lake Erie and the navigable waters from Southeast Shoal to Port Huron, MI.

* * * * *

(a) Area 4 (Undesignated Waters):

Service	Lake Erie (east of Southeast Shoal)	Buffalo
Six-Hour Period	\$722	\$722
Docking or Undocking	557	557

Service	Lake Erie (east of Southeast Shoal)	Buffalo
Any Point on the Niagara River below the Black Rock Lock	N/A	1,420

(b) Area 5 (Designated Waters):

■ 3. In § 401.407 revise paragraphs (a) and (b), including the footnote to Table (b), to read as follows:

Any point on or in	Southeast Shoal	Toledo or any point on Lake Erie west of Southeast Shoal	Detroit River	Detroit pilot boat	St. Clair River
Toledo or any port on Lake Erie west of Southeast Shoal	\$2,199	\$1,299	\$2,855	\$2,199	N/A
Port Huron Change Point	¹ 3,829	¹ 4,436	2,877	2,237	1,591
St. Clair River	¹ 3,829	N/A	2,877	2,877	1,299
Detroit or Windsor or the Detroit River	2,198	2,855	1,299	N/A	2,877
Detroit Pilot Boat	1,590	2,199	N/A	N/A	2,877

¹ When pilots are not changed at the Detroit Pilot Boat.

■ 4. In § 401.410, revise paragraphs (a), (b), and (c) to read as follows:

§ 401.410 Basic rates and charges on Lakes Huron, Michigan, and Superior, and the St. Mary's River.

* * * * *

(a) Area 6 (Undesignated Waters):

Service	Lakes Huron and Michigan
Docking or Undocking	592
Six-Hour Period	\$623

(b) Area 7 (Designated Waters):

Area	De Tour	Gros Cap	Any harbor
Gros Cap	\$2,443	N/A	N/A
Algoma Steel Corporation Wharf at Sault Ste. Marie Ontario	2,443	920	N/A
Any point in Sault Ste. Marie, Ontario, except the Algoma Steel Corporation Wharf	2,048	920	N/A
Sault Ste. Marie, MI	2,048	920	N/A
Harbor Movage	N/A	N/A	\$920

(c) Area 8 (Undesignated Waters):

Service	Lake Superior
Six-Hour Period	\$549
Docking or Undocking	522

§ 401.420 [Amended]

- 5. In § 401.420—
- a. In paragraph (a), remove the number “\$102” and add, in its place, the number “\$113”; and remove the number “\$1,604” and add, in its place, the number “\$1,777”.
- b. In paragraph (b), remove the number “\$102” and add, in its place, the number “\$113”; and remove the number “\$1,604” and add, in its place, the number “\$1,777”.
- c. In paragraph (c)(1), remove the number “\$606” and add, in its place, the number “\$671”; in paragraph (c)(3), remove the number “\$102” and add, in its place, the number “\$113”; and, also in paragraph (c)(3), remove the number

“\$1,604” and add, in its place, the number “\$1,777”.

§ 401.428 [Amended]

■ 6. In § 401.428, remove the number “\$618” and add, in its place, the number “\$684”.

Dated: July 13, 2009.
Kevin S. Cook,
Rear Admiral, U.S. Coast Guard, Director of Prevention Policy.
 [FR Doc. E9-17229 Filed 7-20-09; 8:45 am]
BILLING CODE 4910-15-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 212

RIN 0750-AG23

Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Interim rule; correction.

SUMMARY: DoD is making a correction to the interim rule published at 74 FR 34263 on July 15, 2009, which amended the Defense Federal Acquisition Regulation Supplement (DFARS) to address the conditions under which a time-and-materials or labor-hour contract may be used for the acquisition

in the closed position. The BNSF Railroad Bridge currently operates in accordance with 33 CFR 117.393(a) which requires that the bridge be maintained in the open-to-navigation position; closing only when a train needs to transit the bridge.

The deviation period is from 8 a.m., July 27 to 8 p.m., July 29, 2009 when the draw span will be maintained in the closed-to-navigation position. During this time the lift drive mechanism will be inoperative. The draw span will not be returned to its fully open position until the lift drive mechanism is fully operational on August 2, 2009. During the period July 30–August 2, 2009 span openings will be coordinated with rail traffic closures and efforts to return the bridge to normal operations. Both commercial vessels and recreational watercraft use the waterway. Most commercial vessels can not pass underneath the bridge while it is in the closed position. Only vessels having a low-clearance profile will be able to pass under the span while in the closed position. There are no alternate routes for vessels transiting this section of the Illinois Waterway. Minimal impact to navigation is expected.

In accordance with 33 CFR 117.393(a), the drawbridge shall return to its normal operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35(c).

Dated: June 6, 2009.

Roger K. Wiebusch,

Bridge Administrator.

[FR Doc. E9–17196 Filed 7–20–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0649]

RIN 1625–AA00

Safety Zone; Friends of Fireworks Celebration, Lake Huron, St. Ignace, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Huron, St. Ignace, MI. This zone is intended to restrict vessels from a portion of Lake Huron during the Friends of Fireworks Celebration fireworks displays taking place July 11 through September 5, 2009. This

temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

DATES: This rule is effective from 9 p.m. on July 11, 2009, until 11 p.m. on September 5, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0649 and are available online at <http://www.regulations.gov> selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0649 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. They are also available for inspection or copying 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 LCDR Christopher Friese, Prevention Dept. Chief, U.S. Coast Guard Sector Sault Sainte Marie, 906–635–3220 or email Christopher.R.Friese@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 an agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 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 permit application was not received in time to publish a NPRM followed by a final rule before the effective date and immediate action is necessary to prevent possible loss of life and property that is potentially associated with this fireworks display.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be

contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property.

Background and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and spectators from hazards associated with a fireworks display. Based on the explosive hazards of fireworks, the Captain of the Port Sault Sainte Marie has determined that fireworks launches proximate to watercraft pose significant risk to public safety and property. The likely combination of large numbers of recreation vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the location of the launch platform will help ensure the safety of persons and property at these events and help minimize the associated risks.

Discussion of Rule

A temporary safety zone is necessary to ensure the safety of spectators and vessels during the setup, loading, and launching of fireworks displays in conjunction with the Friends of Fireworks Celebration fireworks displays. The fireworks displays will occur between 9 p.m. and 11 p.m. on July 11, July 18, July 25, August 1, August 8, August 15, August 22, August 29, and September 5, 2009. If a fireworks display is cancelled due to inclement weather, then the fireworks display will occur between 9 p.m. and 11 p.m. on the following day (July 12, July 19, July 26, August 2, August 9, August 16, August 23, August 30, or September 6, 2009).

The safety zone for the fireworks will encompass all waters of Lake Huron within a 1,000-foot radius from the fireworks launch site in East Moran Bay, with its center in position: 45°52'43" N, 084°43'69" W. All geographic coordinates are North American Datum of 1983 (NAD 83).

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

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 determination is based on the minimal time that vessels will be restricted from the zone and the zone is an area where the Coast Guard expects insignificant adverse impact to mariners from the zones’ activation.

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 and operators of vessels intending to transit or anchor in a portion of Lake Huron off St. Ignace, Michigan between 9 p.m. and 11 p.m. on July 11, July 18, July 25, August 1, August 8, August 15, August 22, August 29, and September 5, 2009.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this rule will be in effect for only two hours for each event. Vessel traffic can safely pass outside the safety zone during the event. In the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Sault Sainte Marie to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could 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 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 would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedure; and related management system 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 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction, because it involves the establishment of a temporary safety zone.

A final environmental analysis check list and a categorical exclusion determination are available in the docket where indicated under

ADDRESSES.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 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. Chapters 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. Add new temporary § 165.T09-0649 as follows:

§ 165.T09-0649 Safety Zone; Friends of Fireworks Celebration, Lake Huron, St. Ignace, MI.

(a) *Location.* The following area is a temporary safety zone: all waters of Lake Huron within a 1,000-foot radius from the Fireworks launch site in East Moran Bay, with its center in position: 45°52'43" N, 84°43'69" W. (NAD 83).

(b) *Effective period.* This rule is effective from 9 p.m. on July 11, 2009 until 11 p.m. on September 5, 2009. This rule will be enforced from 9 p.m. to 11 p.m. on July 11, July 18, July 25, August 1, August 8, August 15, August 22, August 29, and September 5, 2009. If a fireworks are cancelled due to inclement weather, then this rule will

be enforced from 9 p.m. to 11 p.m. on the following day (July 12, July 19, July 26, August 2, August 9, August 16, August 23, August 30, or September 6, 2009).

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Sault Sainte Marie or on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Sault Sainte Marie or his on-scene representative.

(3) The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Sault Sainte Marie or his on-scene representative to obtain permission to do so. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Sault Sainte Marie or his on-scene representative.

Dated: July 8, 2009.

M.J. Huebschman,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. E9-17245 Filed 7-20-09; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2009-0513]

RIN 1625-AA00

Safety Zone; Access Destinations Fireworks Display, San Diego Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of San Diego Bay in support of the Access Destinations Fireworks. This temporary safety zone is necessary to provide for the safety of the

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 1 p.m. to 11 p.m. on July 30, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0513 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-2009-0513 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. They are also available for inspection or copying 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 Shane Jackson, Waterways Management, U.S. Coast Guard Sector San Diego; telephone 619-278-7262, e-mail Shane.E.Jackson@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 logistical arrangements of the fireworks show were neither finalized nor presented to the Coast Guard in enough time to draft and publish an NPRM, and any delay in the effective date of this rule would expose members of the public to the dangers associated with fireworks displays.

For the same reasons, the Coast Guard also finds under 5 U.S.C. 553(d)(3) that good cause exists for making this rule

authority delegated to the Commissioner of Food and Drugs, 21 CFR part 314 is amended as follows:

PART 314—APPLICATIONS FOR FDA APPROVAL TO MARKET A NEW DRUG

■ 1. The authority citation for 21 CFR part 314 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 356a, 356b, 356c, 371, 374, 379e.

§ 314.52 [Amended]

■ 2. Section 314.52 is amended in paragraph (a)(2) by removing “at the address identified on FDA’s Web site (<http://www.fda.gov/cder/ogd>)” and by adding in its place “7500 Standish Pl., Rockville, MD 20855”.

§ 314.53 [Amended]

■ 3. Section 314.53 is amended in paragraph (f) by removing “at the address identified on FDA’s Web site (<http://www.fda.gov/cder/ogd>)” and by adding in its place “7500 Standish Pl., Rockville, MD 20855”.

§ 314.95 [Amended]

■ 4. Section 314.95 is amended in paragraph (a)(2) by removing “at the address identified on FDA’s Web site (<http://www.fda.gov/cder/ogd>)” and by adding in its place “7500 Standish Pl., Rockville, MD 20855”.

Dated: July 17, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–17680 Filed 7–23–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2009–0659]

RIN 1625–AA08

Special Local Regulations for Marine Events; Port Huron to Mackinac Island Sail Race

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard will enforce a special local regulation for the annual Port Huron to Mackinac Island Sail Race. This action is necessary to safely control vessel movements in the vicinity of the race starting point and provide for the safety of the general boating public and commercial shipping. During this

period, no person or vessel may enter the regulated area without the permission of the Coast Guard Patrol Commander (“PATCOM”).

DATES: This rule is effective from 9 a.m. through 4 p.m. on July 25, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0659 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–2009–0659 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. They are also available for inspection or copying 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 concerning this temporary rule, call or e-mail Mr. Frank Jennings, Jr., Enforcement Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH, via e-mail at: frank.t.jennings@uscg.mil or by phone at: (216) 902–6094. 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 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 special local regulation pertaining to this annual race was previously published in the Code of Federal Regulations, but inadvertently removed during the most recent revision to 33 CFR 100.901. Because this is an annual race, held in the same location, local maritime interests are already familiar with the provisions of these regulations. Based on the late discovery of the missing permanent rule, the hazards associated with marine regattas within Port Huron and the short amount of

time until the event, delaying publication of this regulation would be contrary to the public interest.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The special local regulation pertaining to this annual race was previously published in the Code of Federal Regulations, but inadvertently removed during the most recent revision to 33 CFR 100.901. Because this is an annual race, held in the same location, local maritime interests are already familiar with the provisions of these regulations. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this operation and immediate action is necessary to prevent possible loss of life or property.

Background and Purpose

Special local regulations are necessary to safely control vessel movements in the vicinity of the race starting point and provide for the safety of the general boating public and commercial shipping. The Captain of the Port Detroit has determined that the start of the Port Huron to Mackinac Island Sail Race does pose significant risks to public safety and property. The likely combination of congested waterways, vessels engaged in a regatta, and fast currents could easily result in serious injuries or fatalities.

Discussion of Rule

The Coast Guard will enforce special local regulations for the annual Port Huron to Mackinac Sail Race from 9 a.m. until 4 p.m. on July 25, 2009. The special local regulations apply to the waters of the Black River, St. Clair River and lower Lake Huron from:

Latitude	Longitude
42°58.8' N	082°26' W, to
42°58.4' N	082°24.8' W, thence northward along the International Boundary to
43°02.8' N	082°23.8' W, to
43°02.8' N	082°26.8' W, thence southward along the U.S. shoreline to
42°58.9' N	082°26' W, thence to
42°58.8' N	082°26' W.

[DATUM: NAD 1983].

In order to ensure the safety of spectators and participating vessels, the special local regulations will be in effect for the day of the start of the event. The Coast Guard will patrol the race area under the direction of a designated Coast Guard Patrol Commander

(“PATCOM”). Vessels desiring to transit the regulated area may do so only with prior approval of the PATCOM and when so directed by that officer. The PATCOM may be contacted on Channel 16 (156.8 MHz) by the call sign “Coast Guard Patrol Commander.” Vessels will be operated at a no wake speed to reduce the wake to a minimum, and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

In the event these special local regulations affect shipping, commercial vessels may request permission from the PATCOM to transit the area of the event by hailing call sign “Coast Guard Patrol Commander” on Channel 16 (156.8 MHz).

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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Black River, St. Clair River and lower Lake Huron from 9 a.m. until 4 p.m. July 25, 2009.

These special local regulations will not have a significant economic impact

on a substantial number of small entities for the following reasons. This rule will be enforced for only 7 hours on a weekend when the majority of vessel traffic transiting the area is recreational. Vessel traffic will be allowed to pass through the area of the race start with the permission of the Coast Guard patrol commander. Before the effective period, the Coast Guard will issue maritime advisories widely 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 offered to assist small entities in understanding the rule so that they could 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 affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

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 regulations and fishing rights protection need not be incompatible. We have also determined that 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. Nevertheless, Indian Tribes that have questions concerning the provisions of this 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 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 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction. This rule involves the enforcement of special local regulations, pursuant to 33 CFR 100, for the annual Port Huron to Mackinac Island Sail Race, July 25, 2009 at 9 a.m. to July 25, 2009 at 4 p.m. This action is necessary to safely control vessel movements in the vicinity of the start of the race and provide for the safety of the general boating public and commercial shipping. Regulations will be in effect for seven hours on the day the event starts. The Coast Guard will patrol the race area under the direction of a designated Coast Guard Patrol Commander.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under

ADDRESSES.

List of Subjects in 33 CFR Part 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. A new temporary § 100.35T09-0659 is added as follows:

§ 100.35T09-0659 Special Local Regulations for Marine Events; Port Huron to Mackinac Island Sail Race.

(a) *Location.* The special local regulations apply to the waters of the Black River, St. Clair River and lower Lake Huron from:

Latitude	Longitude
42°58.8' N	082°26' W, to
42°58.4' N	082°24.8' W, thence northward along the International Boundary to
43°02.8' N	082°23.8' W, to
43°02.8' N	082°26.8' W, thence southward along the U.S. shoreline to
42°58.9' N	082°26' W, thence to
42°58.8' N	082°26' W.

[DATUM: NAD 1983].

(b) *Effective period.* This rule is effective from 9 a.m. to 4 p.m. on July 25, 2009.

(c) *Regulations.*

(1) In accordance with the general regulations in section 100.35 of this part, the Coast Guard will patrol the regatta area under the direction of a designated Coast Guard Patrol Commander ("PATCOM"). The PATCOM may be contacted on Channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander." Vessels desiring to transit the regulated area may do so only with prior approval of the PATCOM and when so directed by that officer.

(2) Vessels will be operated at a no wake speed to reduce the wake to a minimum, and in a manner which will not endanger participants in the event or any other craft. The rules in this subparagraph shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

(3) The PATCOM may direct the anchoring, mooring or movement of any boat or vessel within the regatta area. A succession of sharp, short signals by

whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard PATCOM shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the PATCOM. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) The PATCOM may establish vessel size and speed limitations and operating conditions. The PATCOM may restrict vessel operation within the regatta area to vessels having particular operating characteristics. The PATCOM may terminate the marine event or the operation of vessel at any time it is deemed necessary for the protection of life and property.

Dated: July 10, 2009.

F.M. Midgette,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. E9-17748 Filed 7-23-09; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2009-0578]

Drawbridge Operation Regulations; East River, New York City, NY, Maintenance

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Roosevelt Island Bridge across the East River, mile 6.4, at New York City, New York. Under this temporary deviation the bridge may remain in the closed position for one month to facilitate completion of ongoing bridge maintenance. Vessels that can pass under the draw without a bridge opening may do so at all times.

DATES: This deviation is effective from July 24, 2009 through August 15, 2009.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG-2009-0578 and are available online at <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG-2009-0578 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

Publication–National Ocean Service–U.S. Coast Pilot 6, and their connecting waterways, 2009 (39th) Edition.
Change No. 10.

Coast Pilot 6 39th Ed 2009

Corrections

Page 248-Paragraph 413, read:

In May-September 2008, the controlling depth was 3½ feet from the entrance to the turning basin at the head of the project with depths of 2½ to 5 feet in the basin; the anchorage basin on the SW side of the river had depths of 2 to 6 feet with shoaling to bare on the SW edge.

(DD 14024; CL 560/09)

Page 255-Paragraph 523, lines 7-10; read:

In October 2008, the controlling depth was 6 feet in the dredged channel from the entrance to the junction with the inner channel (except for lesser depths to 3 feet in the right half of the channel just SW of Daybeacon 10.)

(DD 14026; CL 561/09)

Page 255-Paragraph 524, lines 8-11; read:

leads SW through West Harbor for about 1.3 miles to the head of the project. In October 2008, the controlling depth was 5 feet from the bridge SW through West Harbor to the head of the project.

(DD 14026; CL 561/09; NOS 14842)

Page 256-Paragraph 530, lines 5-10; read:

mark the outer ends of the piers. In September 2008, the controlling depth was 8 feet in the entrance channel and between the piers to the Monroe Street highway bridge (except for shoaling to 5 feet along the edge of the channel just NE of the Port Clinton Yacht Club entrance and to 4 feet along the S edge of the channel ...

(DD 14022; CL 558/09)

Page 411-Table, insert after Item 16:

17	Highland Avenue bridge	Pedestrian	1.97			51	12	Vertical lift. Clearance up 26 feet
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(CL 872/09)

Page 411-Table, Item 18:

18	Knapp Street (Park East Freeway)	Highway	2.14			50	16	Vertical lift. Clearance up 28 feet
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(CL 871/09)

Page 412-Table, Item 26:

26	North-South Freeway (I-94) bridge	Highway	1.61			137	90	Fixed
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(CL 874/09)

Page 412-Table, Item 32:

32	North-South Freeway	Highway	1.71			136	103	Fixed.
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Page 262-Paragraph 613, read:

Sandy Creek empties into the W side of Brest Bay about 2 miles N of Monroe Harbor. Sterling State Park is on the S side of the creek entrance. A channel marked by private lighted and unlighted buoys leads SW from Sandy Creek to a boat basin at the park. In 2007, the reported depth in the channel and basin was 4 feet. Several launching ramps are in the SE corner of the basin. Services available inside the creek include: transient berths, gasoline, water, ice, and electricity.

(CL 408/09; NOS 14846)

Page 313-Paragraph 88, lines 5-9; read:

breakwaters are marked by lights. In May 2009, the controlling depth was 10 feet in the entrance channel to the basin, thence the basin had depths of 6 to 9 ...

(DD 14659)

Page 357-Paragraph 232, lines 2-9; read:

Michigan State Waterways Commission is just SE of the entrance at about 43°46'37"N., 86°26'02"W. A harbormaster is on duty seasonally (May-October) and monitors VHF-FM channel 9. Private marinas are in the small arm just SE of the public dock; transient berths, gasoline, diesel fuel, water, electricity, sewage pump-out, limited marine supplies. A 16-ton hoist is available for hull and engine repairs.

(DB 17891; NOS 14907; Internet/09)

(I-94 bridge)							
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(CL 884/09)

Page 412-Table, Item 34:

34	North-South Freeway (I-94) bridge	Highway	1.79			75	91	Fixed.
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(CL 875/09)

Page 463-Paragraph 65, lines 4-5; read:
the basin.

(DD 12739)

Page 464-Paragraph 72, line 4; read:
feet. Transient berths, water, and electricity ...

(DD 12739)

Page 467-Paragraph 117, lines 4-6; read:
harbor. Gasoline, diesel fuel, water, electricity,
sewage pump-out, launching ramp, and ice are
available at the municipal marina at the N end of the
basin. Repairs are also available at 50-ton marine
railway at the N end of the basin.

(DD 12739)

Publication–National Ocean Service–U.S. Coast Pilot 6, and their connecting waterways, 2009 (39th) Edition.
Change No. 11.

Coast Pilot 6 39th Ed 2009

Corrections

Page 242-Paragraph 353: Delete.
(NOS 14839)

Page 242-Paragraph 355: Delete.
(CL 1015/89; NOS 14839)

Page 259-Table, Items 4, 5, 6, 7, 15; read:

Structures across Maumee River at Toledo

*Miles above the mouth of the river

**Clear width in feet proceeding upstream

No.	Location and Name	Kind	Miles*	Clear width in feet of draw or span opening**			Clear height in feet above low water datum	Remarks
				Right	Left	Center		
4	CSX Railroad Bridge	Railroad	1.07	145	143		22	Swing. Note 2.
5	Norfolk Southern RR bridge	Railroad	1.80	134	134		20	Swing.
6	Veterans Glass Memorial Fixed Bridge					205	124	
7	Craig Memorial Bridge	Highway	3.30			200	38	Bascule. 44 feet at center.
15	Overhead cable	Power	11.40				100	

(CL 1305/08; NOS 14846; CP6/09)

Page 315-Paragraph 114, line 4; read:
the CSX Railroad bridge. In April 2008-April 2009,
the controlling ...
(DD 11110; DDs 13806-10)

ends of the breakwaters are marked by lights. Private, seasonal buoys mark shoaling near the S channel edge in the approach to the harbor, just inside the breakwaters. In October 2008, the controlling depth was 6 feet through the entrance and into the harbor to about 41°47'56"N., 86°44'53"W., thence 1½ feet to the head of the project.

(DD 12749; CEM-Detroit/86)

Page 354-Paragraph 191, read:

In June-August 2008, the controlling depths were 17 feet (20 feet at midchannel) in the entrance and through the river to Manistee Lake (except for shoaling to 12 feet along the S side of the channel between 44°14'49"N., 86°20'17"W. and 44°14'50"N., 86°20'03"W.)

(DDs 12947-50)

Page 474-Paragraph 213, lines 6-10; read:
pierhead light. In October 2008, the controlling depth was 19 feet in the entrance channel and between the piers to the head of the project (except for lesser depths to 14 feet along the SW edge of the entrance channel and to 9 feet near the head of the project). Shoaling in the harbor ...

(DD 12841)

Page 367-Paragraph 344, read:

In August-October 2008, the controlling depths were 12½ feet in the entrance and through the river channel to the lake (except for lesser depths to 11 feet along the edges of the channel.)

(DDs 12717-20)

Page 475-Paragraph 227, lines 4-8; read:
breakwaters are marked by lights. In October 2008, the controlling depth was 7½ feet in the entrance channel, inner harbor basin and channel.

(DD 12742)

Page 370-Paragraph 385, lines 3-9; read:
thence SE to the head of the project at the Whittaker Street Bridge across the **Galien River**. The outer

Page 489-Paragraph 414, lines 6-10; read:
the inner breakwater are marked by lights. In October
2008, the main harbor basin had depths of 14 to 16
feet, thence a depth of 8 feet was available in the
small-craft basin.

(DD 12916)