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Approved: June 11, 2009.

**M. Robb Hyde,**

*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*

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BILLING CODE 3810-FF-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2009-0449]

RIN 1625-AA09

#### **Drawbridge Operation Regulation; Mermentau River, Mile 68.0, at Mermentau, Acadia and Jefferson Davis Parishes, LA**

**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 operation of the BNSF Swing Bridge across the Mermentau River, mile 68.0, in Mermentau, Acadia and Jefferson Davis Parishes, Louisiana. The deviation is necessary to repair the pinion gear that turns the center pivot pier of the bridge. This deviation allows the bridge to remain closed for 34 hours to accomplish the work.

**DATES:** This deviation is effective from 5 a.m. on June 29, 2009 until 5 p.m. on June 30, 2009.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2009-0449 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-2009-0414 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail David M. Frank, Bridge Administration Branch, Coast Guard; telephone 504-671-2128, e-mail [David.M.Frank@uscg.mil](mailto:David.M.Frank@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 BNSF Railway Company has requested a temporary deviation from the operating schedule of the BNSF Swing Bridge across the Mermentau River, mile 68.0, in Mermentau, Acadia and Jefferson Davis Parishes, Louisiana. The closure is necessary to allow for repairs to the bridge.

Presently, the bridge opens on signal for the passage of vessels. This deviation will allow the bridge to remain in the closed-to-navigation position from 7 a.m. on Monday, June 29, 2009 until 5 p.m. on Tuesday, June 30, 2009. Navigation on the waterway consists of tugs with tows, fishing vessels and recreational craft. Due to prior experience and coordination with waterway users it has been determined that this closure will not have a significant effect on these vessels.

The vertical clearance of the swing bridge in the closed-to-navigation position is 10.0 feet and unlimited in the open-to-navigation position. No alternate routes are available. As this work is proposed during hurricane season, if any storms are in the Gulf of Mexico, the work may be postponed and rescheduled.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 28, 2009.

**David M. Frank,**

*Bridge Administrator.*

[FR Doc. E9-14550 Filed 6-19-09; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG 2009-0408]

#### **Safety Zone; Independence Day Celebration for the City of San Francisco, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the Independence Day Celebration for the City of San Francisco Fireworks safety zone from 11 a.m. through 10

p.m. on July 4, 2009. The fireworks will be fired simultaneously from two separate locations: Location 1 will be held 1,000 feet from Pier 39 in position 37° 48.710' N and 122° 24.464' W on July 4, 2009 and Location 2 will be fired from the Municipal Pier in Aquatic park in position 37° 48.611' N and 122° 25.532' W on July 4, 2009. This action is necessary to control vessel traffic and to ensure the safety of event participants and spectators. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

**DATES:** The regulations in 33 CFR 165.1191 will be enforced from 11 a.m. through 10 p.m. on July 4, 2009.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail Lieutenant Junior Grade Simone Mausz, U.S. Coast Guard, Waterways Safety Division; telephone 415-399-7442, e-mail [simone.mausz@uscg.mil](mailto:simone.mausz@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Independence Day Celebration for the City of San Francisco Fireworks safety zone from 11 a.m. through 10 p.m. on July 4, 2009. The fireworks will be fired simultaneously from two separate locations: Location 1 will be held 1,000 feet from Pier 39 in position 37° 48.710' N and 122° 24.464' W on July 4, 2009 and Location 2 will be fired from the Municipal Pier in Aquatic Park in position 37° 48.611' N and 122° 25.532' W on July 4, 2009.

For Location 1, during the loading of the fireworks barge, while the barge is being towed to the display location, and until the start of the fireworks display, the safety zone applies to the navigable waters around and under the fireworks barge within a radius of 100 feet. Fifteen minutes before and during the twenty minute fireworks display, the area to which this safety zone applies will increase in size to encompass the navigable waters around and under the fireworks barge within a radius of 1,000 feet. Loading of the pyrotechnics onto the fireworks barge is scheduled to commence at 11 a.m. on July 4, 2009, and will take place at Pier 50 in San Francisco. Towing of the barge from Pier 50 to the display location is scheduled to take place on July 4, 2009 at 8 p.m. During the fireworks display, scheduled to start at approximately 9:30 p.m., the fireworks barge will be located approximately 1,000 feet off of Pier 39 in position 37° 48.710' N, 122° 24.464' W (NAD 83). This safety zone will be in

effect from 11 a.m. to 10 p.m. on July 4, 2009.

For Location 2, the fireworks will be launched from the Municipal Pier in position 37° 48.611' N, 122° 25.532' W (NAD 83). The safety zone will apply to the navigable waters around and under the fireworks site within a radius of 500 feet. The fireworks display is scheduled to launch at 9:30 p.m. and will last approximately twenty minutes. This safety zone will be in effect from 9 p.m. to 10 p.m. on July 4, 2009.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order of direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of this enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: June 8, 2009.

P.M. Gugg,

*Captain, U.S. Coast Guard, Captain of the Port San Francisco.*

[FR Doc. E9-14585 Filed 6-19-09; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2009-0512]

RIN 1625-AA00

#### Safety Zone: F/V PATRIOT, Massachusetts Bay, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone surrounding the sunken fishing vessel PATRIOT located approximately 17 miles northeast of Scituate, Massachusetts, in Massachusetts Bay. The safety zone is in effect while the vessel remains on the sea floor and subsequently re-floated during salvage operations. The safety zone will then move with the vessel until the F/V PATRIOT is safely moored. This action is necessary to ensure that vessels are not endangered by conducting dredging, diving, anchoring, fishing or other activities while the F/V PATRIOT sits on the sea floor. This action is also necessary to assist in providing a safe work environment for those conducting the salvage operation. This temporary rulemaking is needed to protect the environment, the commercial fishing industry, salvage operators and the general public from potential hazards associated with the sunken vessel and from potential hazards associated with the salvage of the vessel.

**DATES:** *Effective Dates:* This rule is effective from midnight June 11, 2009, through midnight July 25, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0512 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-2009-0512 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 following location: 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 Chief Eldridge McFadden, U.S. Coast Guard Sector Boston, Waterways Management Division; telephone 617-223-5160, e-mail [Eldridge.C.McFadden@uscg.mil](mailto:Eldridge.C.McFadden@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 initial immediate action was needed to protect the public from the hazards posed by an unknown underwater object located in Massachusetts Bay. This object was later identified as the F/V PATRIOT, located in approximately 95 feet of water 17 miles northeast of Scituate, Massachusetts. This rule extends the existing safety zone set to expire on June 10, 2009, to ensure, to the extent practicable, the immediate, continued protections for the environment, the commercial fishing industry, salvage operators and the general public from the potential hazards associated with the salvage of the F/V PATRIOT. The loss of the F/V PATRIOT created significant interest in the local fishing community and considerable media interest. Salvage of the F/V PATRIOT has the potential of attracting a variety of on-lookers who may be searching for unanswered questions or are just curious; operations also have the potential of generating considerable media interest. An uncontrolled gathering of vessels surrounding the location of salvage operations has the potential of creating an unsafe work environment during salvage operations. It would be contrary to the public interest for the existing safety zone to lapse on the eve of such operations.

For the same reason, 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**.

#### Background and Purpose

On January 3, 2009, the F/V PATRIOT, a 54-foot steel-hull boat, sank with the loss of two crewmembers onboard. The vessel was reported to have an estimated 5,000 gallons of fuel onboard. There were no survivors and the exact position of the vessel was not immediately known. On January 8, 2009, the Coast Guard established a temporary safety zone around a reported underwater object believed to be the F/V PATRIOT, located in Massachusetts Bay approximately 17 miles northeast of Scituate, Massachusetts, in position 42°24'27.34" N, 70°27'17.23" W.

On January 23, 2009, underwater exploratory operations with photographic equipment confirmed that