

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 proposes to amend 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. Add § 100.125 to read as follows:

§ 100.125 Swim Across the Sound, Long Island Sound, Port Jefferson, NY to Captain's Cove Seaport, Bridgeport, CT.

(a) *Regulated area.* All navigable waters of Long Island Sound within 100 yards of the swim event race course consisting of the following points: Starting Point at Port Jefferson Beach at approximate position 40°58'11.71" N, 073°05'51.12" W, north-westerly to the finishing point at Captain's Cove Seaport at approximate location 41°09'25.07" N, 073°12'47.82" W.

(b) *Definitions.* The following definition applies to this section: *Designated On-scene Patrol Personnel*, means any commissioned, warrant and petty officers of the U.S. Coast Guard operating Coast Guard vessels who have been authorized to act on the behalf of the Captain of the Port Long Island Sound.

(c) *Special local regulations.* (1) No person or vessel may approach or remain within 100 yards of any swimmer within the regulated area during the enforcement period of this regulation unless they are officially participating in the Swim Across the Sound event or are otherwise authorized by the Captain of the Port Long Island Sound or by Designated On-scene Patrol Personnel.

(2) All persons and vessels must comply with the instructions from the Coast Guard Captain of the Port or the Designated On-scene Patrol Personnel. The Designated On-scene Patrol Personnel may delay, modify, or cancel the swim event as conditions or circumstances require.

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

(4) Persons and vessels desiring to enter the regulated area within 100 yards of a swimmer may request permission to enter from the designated on scene patrol personnel by contacting them on VHF-16 or by a request to the Captain of the Port Long Island Sound via phone at (203) 468-4401.

(d) *Enforcement Period.* This rule is enforced annually on a date in August. Notification of the specific date and enforcement of the special local regulation will be made via Notice in the **Federal Register**, marine broadcasts and local Notice to Mariners.

Dated: June 17, 2009.

Daniel A. Ronan,

Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. E9-17244 Filed 7-20-09; 8:45 am]

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POSTAL REGULATORY COMMISSION**39 CFR Part 3050**

[Docket No. RM2009-7; Order No. 245]

Periodic Reporting Rules

AGENCY: Postal Regulatory Commission.

ACTION: Proposed rule; availability of rulemaking petition.

SUMMARY: Under a new law, the Postal Service must file an annual compliance report with the Postal Regulatory Commission on costs, revenues, rates and quality of service associated with its products. This document notes that the Postal Service has filed a petition for consideration of a proposed change in analytical methods approved for use in periodic reporting. The focus of this petition (involving an issue referred to as Proposal Two) is on the Postal Service's development of revenue, piece and weight estimates for bulk mail categories. The Commission has established a docket for consideration of Proposal Two and has addressed preliminary procedural matters, including an opportunity for public comment. Proposal One is under consideration in a pending docket.

DATES: Deadline for initial comments: July 29, 2009.

ADDRESSES: File comments electronically via the Commission's Filing Online system.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202-789-6829 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION:

Regulatory History, 74 FR 31386 (July 1, 2009).

On July 7, 2009, the Postal Service filed a petition to initiate an informal rulemaking proceeding to consider a change in the analytical methods approved for use in periodic reporting.¹

¹ Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider

The Petition explains that the Postal Service's current practice is to combine data from two sources to fashion Revenue, Pieces, and Weight (RPW) estimates for the various categories of bulk mail. It combines census data recorded by its PostalOne! system (which reflects automated office activity) with data found on postage statements that are taken from a probability sample of non-automated offices. It notes that the sample data taken from non-automated offices are becoming less reliable as the pool of non-automated offices shrinks and the sample frames for that pool become increasingly dated. It also notes that the sampling process is more expensive than the modeling process that it proposes.

The Postal Service proposes to discontinue sampling non-automated offices when preparing its RPW estimates. In place of the current non-automated office sample, it proposes to take the universe of offices, and stratify it according to size. It will then impute the incidence of mail characteristics for a given product found in automated offices in a particular size stratum, as reflected in PostalOne! data, to the characteristics of products found in non-automated offices in the same size stratum. The Postal Service calls this its "modeling" approach. Petition at 1-2.

The Petition, which is available on the Commission's Web site, <http://www.prc.gov>, includes appendices purporting to show the results of testing the accuracy of its modeling approach in estimating revenue, pieces, and weight with respect to all market dominant bulk mail categories. The Postal Service concludes that the results are accurate for all categories except for Within County Periodicals. Even with respect to Within County Periodicals, it asserts that the modeled results are more accurate than the current approach which employs data gathered from a sample of non-automated offices. *Id.* at 2 and Attachment at 2.

The attachment and the appendices to the Postal Service's Petition explain its proposal in more detail, including its background, objective, rationale, and estimated impact.

It is ordered:

1. Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Change in Analytic Principles (Proposal Two), filed July 7, 2009, is granted.

2. The Commission establishes Docket No. RM2009-7 to consider the matters raised by the Postal Service's Petition.

Proposed Change in Analytic Principles (Proposal Two), July 7, 2009 (Petition).

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]

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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]

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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.

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