

Winston-Salem, NC, Smith Reynolds, GPS RWY 33, Orig-B, CANCELLED

Winston-Salem, NC, Smith Reynolds, ILS OR LOC RWY 33, Amdt 29

Winston-Salem, NC, Smith Reynolds, RNAV (GPS) RWY 15, Orig

Winston-Salem, NC, Smith Reynolds, RNAV (GPS) RWY 33, Orig

Lebanon, NH, Lebanon Muni, GPS RWY 25, Orig-A, CANCELLED

Lebanon, NH, Lebanon Muni, RNAV (GPS) RWY 25, Orig

Southampton, NY, Southampton Heliport, COPTER RNAV (GPS) 190, Orig

Southampton, NY, Southampton Heliport, COPTER VOR/DME RNAV OR GPS 187, Orig, CANCELLED

Zelienople, PA, Zelienople Muni, GPS RWY 17, Amdt 1, CANCELLED

Zelienople, PA, Zelienople Muni, GPS RWY 35, Amdt 1, CANCELLED

Zelienople, PA, Zelienople Muni, RNAV (GPS) RWY 17, Orig

Zelienople, PA, Zelienople Muni, RNAV (GPS) RWY 35, Orig

Moncks Corner, SC, Berkeley County, VOR/DME-A, Orig

Jackson, TN, McKellar-Sipes Rgnl, GPS RWY 2, Orig, CANCELLED

Jackson, TN, McKellar-Sipes Rgnl, GPS RWY 20, Orig-A, CANCELLED

Jackson, TN, McKellar-Sipes Rgnl, ILS OR LOC RWY 2, Amdt 8

Jackson, TN, McKellar-Sipes Rgnl, RNAV (GPS) RWY 2, Orig

Jackson, TN, McKellar-Sipes Rgnl, RNAV (GPS) RWY 20, Orig

Jackson, TN, McKellar-Sipes Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1

Nashville, TN, Nashville Intl, ILS OR LOC RWY 20R, Amdt 9

Nashville, TN, Nashville Intl, RNAV (GPS) RWY 20R, Amdt 1

Falfurrias, TX, Brooks County, GPS RWY 17, Orig-A, CANCELLED

Falfurrias, TX, Brooks County, NDB RWY 35, Amdt 2

Falfurrias, TX, Brooks County, RNAV (GPS) RWY 17, Orig

Falfurrias, TX, Brooks County, Takeoff Minimums and Obstacle DP, Amdt 1

Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 8L, ILS RWY 8L (CAT II), ILS RWY 8L (CAT III), Amdt 2

Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 8R, Amdt 23

Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 9, Amdt 8

Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 26L, ILS RWY 26L (CAT II), ILS RWY 26L (CAT III), Amdt 19

Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 26R, ILS RWY 26R (CAT II), ILS RWY 26R (CAT III), Amdt 2

Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 27, ILS RWY 27 (CATII), ILS RWY 27 (CAT III), Amdt 7

Houston, TX, George Bush Intercontinental/Houston, RNAV (GPS) Z RWY 8L, Amdt 3

Houston, TX, George Bush Intercontinental/Houston, RNAV (GPS) Z RWY 8R, Amdt 2

Houston, TX, George Bush Intercontinental/Houston, RNAV (GPS) Z RWY 9, Amdt 3

Houston, TX, George Bush Intercontinental/Houston, RNAV (GPS) Z RWY 26L, Amdt 2

Houston, TX, George Bush Intercontinental/Houston, RNAV (GPS) Z RWY 26R, Amdt 2

Houston, TX, George Bush Intercontinental/Houston, RNAV (GPS) Z RWY 27, Amdt 2

Oak Harbor, WA, A J Eisenberg, RNAV (GPS) RWY 7, Amdt 2B

Seattle, WA, Boeing Field/King County Intl, RNAV (RNP) Z RWY 13R, Orig-B

Spokane, WA, Spokane Intl, RNAV (GPS) RWY 25, Amdt 2A

Tacoma, WA, Tacoma Narrows, GPS RWY 35, Orig-A, CANCELLED

Tacoma, WA, Tacoma Narrows, RNAV (GPS) RWY 35, Orig

[FR Doc. E9-8345 Filed 4-13-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG-2008-0995]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Intracoastal Waterway (ICW), Beach Thorofare, Atlantic City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is changing the drawbridge operation regulations of the Route 30 Bridge, at ICW mile 67.2, across Beach Thorofare at Atlantic City, NJ. This will allow the drawbridge to open on signal every hour during high transit periods during summer months and operate on an advance notice basis at all other times. The change will result in more efficient use of the bridge.

**DATES:** This rule is effective May 14, 2009.

**ADDRESSES:** Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2008-0995 and are available online at <http://www.regulations.gov>. This material is also available for inspection or copying at two locations: 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 and the Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA

23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call Terrance Knowles, Environmental Protection Specialist, Fifth Coast Guard District, at (757) 398-6587. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On October 6, 2008, we published a notice of proposed rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Intracoastal Waterway (ICW), Beach Thorofare, Atlantic City, NJ" in the *Federal Register* (73 FR 58070). We received no comments on the published NPRM. No public meeting was requested, and none was held.

##### Background and Purpose

The New Jersey Department of Transportation (NJDOT) is responsible for the operation of the Route 30 Bridge, at ICW mile 67.2, across Beach Thorofare at Atlantic City, NJ. In the closed-to-navigation position, the Route 30 Bridge has a vertical clearance of 20 feet, above mean high water.

The existing operating regulation is set out in 33 CFR § 117.733(e) which requires the draw to open on signal except that, year-round from 11 p.m. to 7 a.m. and from November 1 through March 31, from 3 p.m. to 11 p.m., the draw need only open if at least four hours' notice is given.

The NJDOT requested changes to the existing regulations for the Route 30 Bridge in an effort to provide more scheduled openings to accommodate the ever-increasing casino workforce and tourists and by limiting the number of on signal openings to minimize vehicular traffic delays and accidents that may result from backups due to more frequent vessel openings, by requiring scheduled hourly openings of draw span during the spring and summer months and to operate on an advance notice basis in the fall and winter months.

A review of the bridge logs for the past three years supplied by NJDOT revealed the morning rush (7 a.m. to 9 a.m.) is averaging a total of 11 openings/year from June through September and the evening rush (4 p.m. to 6 p.m.) is averaging a total of 15 openings/year from June through September. The average daily traffic count from 7 a.m. and 8 p.m. for the same period revealed between 700 and 3,800 vehicles. This

excess traffic causes increased bottlenecks and safety hazards. Anticipated bridge openings on the hour will help to decrease delays to the local workforce and tourists.

For the past three years, during the fall and winter months, the draw span averaged 23 vessel openings per year from November 1 through March 31 between 7 a.m. and 3 p.m.

#### **Discussion of Comments and Changes**

The Coast Guard received no comments to the NPRM. However for clarification, we will amend 33 CFR 117.733(e) by requiring the draw of the Route 30 Bridge across Beach Thorofare, mile 67.2 at Atlantic City, shall open on signal, but only if at least four hours notice is given; except that from April 1 through October 31 from 7 a.m. to 11 p.m. the draw need only open on the hour.

#### **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. We reached this conclusion based on the fact that mariners can plan their trips in accordance with the scheduled bridge openings. Mariners may be delayed due to the scheduled openings, but overall, the scheduled bridge openings will allow mariners to minimize delays while lessening impacts on traffic. Vessels that can pass under the bridge without a bridge opening may do so at all times.

#### **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 could affect the following entities, some of which might be small entities: The owners or operators of vessels needing to transit through the bridge.

This action will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessels that can safely transit under the bridge while the draw span is in a closed position may do so at any time. All other mariners can plan their trips in accordance with the scheduled bridge openings to minimize delays.

#### **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 would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### **Indian Tribal Governments**

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

#### **Energy Effects**

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

#### **Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15

U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 0023.1 and Commandant Instruction M16475.ID which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this is one of a category of actions which, individually or cumulatively, is not likely to have a significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2, Figure 2–1, paragraph 32(e), of the Instruction because it simply promulgates the operating regulations or procedures for drawbridges.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

#### List of Subjects in 33 CFR Part 117

Bridges.

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

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Revise § 117.733(e) to read as follows:

#### § 117.733 New Jersey Intracoastal Waterway.

\* \* \* \* \*

(e) The draw of the Route 30 Bridge across Beach Thorofare, mile 67.2 at Atlantic City, shall open on signal but

only if at least four hours of notice is given; except that from April 1 through October 31, from 7 a.m. to 11 p.m. the draw need only open on the hour.

\* \* \* \* \*

Dated: March 11, 2009.

**Fred M. Rosa, Jr.,**

*Rear Admiral, United States Coast Guard,  
Commander, Fifth Coast Guard District.*

[FR Doc. E9–8493 Filed 4–13–09; 8:45 am]

**BILLING CODE 4910–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2009–0044]

RIN 1625–AA00

#### Safety Zone; San Diego Bay, San Diego, 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 Fireworks Display. This safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from 8:30 p.m. through 9 p.m. on April 21, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0044 and are available online by going to [www.regulations.gov](http://www.regulations.gov), selecting the Advanced docket Search option on the right side of the screen, inserting USCG–2009–0044 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 two locations: 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, and the U.S. Coast Guard Sector San Diego, 2710 N. Harbor Drive, San Diego, CA 92101 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary

rule, call Petty Officer Shane Jackson, USCG, Waterways Management, U.S. Coast Guard Sector San Diego at (619) 278–7267. 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 immediate action is necessary to ensure the safety of commercial and recreational vessels in the vicinity of the fireworks display on the date and times this rule will be in effect and delay would be contrary to the public interest, since immediate action is required to ensure the public’s safety.

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**. Any delay in the effective date of this rule would expose mariners to the dangers posed by the pyrotechnics used in the fireworks display and delay would be contrary to the public interest.

##### Background and Purpose

Fireworks & Stage FX America is sponsoring the Tyco Electronics Fireworks Display, which will include a fireworks presentation from the flight deck of the USS Midway in San Diego Bay. The safety zone will encompass the navigable waters extending out 250 feet from all points of the USS Midway. This temporary safety zone is necessary to provide for the safety of the crew, spectators, and other users and vessels of the waterway.

##### Discussion of Rule

The Coast Guard is establishing a safety zone that would be enforced from 8:30 p.m. to 9 p.m. on April 21, 2009. The limits of the safety zone will encompass the navigable waters extending out 250 feet from all points of the USS Midway located at approximately 32°42.52’ N, 117°10.35’ W.