

Grove, OK, Grove Muni, RNAV (GPS) RWY 18, Amdt 1  
 Grove, OK, Grove Muni, Takeoff Minimums and Obstacle DP, Orig  
 Quakertown, PA, Quakertown, Takeoff Minimums and Obstacle DP, Orig  
 Fort Worth, TX, Bourland Field, Takeoff Minimums and Obstacle DP, Orig  
 Plains, TX, Yoakum County, RNAV (GPS) RWY 3, Orig  
 Plains, TX, Yoakum County, RNAV (GPS) RWY 21, Orig  
 Taylor, TX, Taylor Muni, Takeoff Minimums and Obstacle DP, Orig  
 Taylor, TX, Taylor Muni, VOR/DME RWY 17, Amdt 1  
 Waco, TX, TSTC-Waco, ILS OR LOC RWY 17L, Amdt 12  
 Waco, TX, TSTC-Waco, Takeoff Minimums and Obstacle DP, Orig  
 Moses Lake, WA, Grant County Intl, GPS RWY 4, Orig-B, CANCELLED  
 Moses Lake, WA, Grant County Intl, GPS RWY 14L, Orig-B, CANCELLED  
 Moses Lake, WA, Grant County Intl, GPS RWY 22, Orig-B, CANCELLED  
 Moses Lake, WA, Grant County Intl, RNAV (GPS) RWY 4, Orig  
 Moses Lake, WA, Grant County Intl, RNAV (GPS) RWY 14L, Orig  
 Moses Lake, WA, Grant County Intl, RNAV (GPS) RWY 22, Orig  
 Martinsburg, WV, Eastern WV Regional/ Shepherd, RNAV (GPS) RWY 8, Orig  
 Martinsburg, WV, Eastern WV Regional/ Shepherd, RNAV (GPS) RWY 26, Orig  
 Martinsburg, WV, Eastern WV Regional/ Shepherd, Takeoff Minimums and Obstacle DP, Amdt 6  
 Martinsburg, WV, Eastern WV Regional/ Shepherd, VOR-A, Amdt 9

On August 7, 2008 (73 FR 458660) the FAA published an Amendment in Docket No. 30620, Amdt No. 3280 to Part 97 of the Federal Aviation Regulations under section 97.31 effective September 25, 2008 which is corrected to read as follows:

Bangore, ME, Bangor Intl, RADAR-1, Amdt 4B

[FR Doc. E8-19514 Filed 9-2-08; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2008-0850]

RIN 1625-AA09

### Drawbridge Operation Regulation; Plaquemine Brule Bayou, Midland, LA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is removing the published drawbridge operation regulation for the draw of the Union Pacific railroad bridge across

Plaquemine Brule Bayou, mile 5.1, at Midland, LA. It has been determined that this bridge no longer exists. Since the bridge no longer exists, the regulation controlling the opening and closing of the bridge is no longer necessary.

**DATES:** This rule is effective September 3, 2008.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2008-0850 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 office of the Commander, Eighth Coast Guard District, Bridge Administration Branch, 500 Poydras Street, Room 1313, New Orleans, LA 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call David M. Frank, Bridge Administration Branch, telephone (504) 671-2128. 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 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 it has been determined that the bridge no longer exists and mariners do not have to request an opening of the draw.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. There is no need to delay the implementation of this rule because the bridge it governs is already out of

service and mariners are no longer required to request an opening.

#### Background and Purpose

A recent survey of the waterways within the District has determined that the Union Pacific railroad bridge across Plaquemine Brule Bayou, mile 5.1, at Midland, no longer exists. It is unclear when the bridge was removed from the waterway; however, mariners are no longer restricted from passing through the area because of a requirement to have the draw of the bridge opened. The regulation governing the operation of the bridge is found in 33 CFR 117.489(a). The purpose of this rule is to remove 33 CFR 117.489(a) from the Code of Federal Regulations since it governs a bridge that is no longer in existence.

#### Discussion of Rule

The Coast Guard is changing the regulation in 33 CFR 117 without publishing an NPRM. The change removes the regulation governing the bridge since the bridge no longer exists. This change does not affect vessel operators using the waterway. Thus, it is not necessary to publish an NPRM.

#### 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. The Coast Guard does not consider this rule to be “significant” under that Order because it does not affect the way vessels operate on the waterway.

#### 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 proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule will not significantly impact any small entities because the bridge no longer exists and no longer affects vessel operators that would have required an opening of the draw.

### 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 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 does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

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

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Department of Homeland Security Management Directive 5100.1 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 concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this

rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation. 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. § 117.489 is revised to read as follows:

#### § 117.489 Plaquemine Brule Bayou.

The draw of the S91 bridge, mile 8.0 at Estherwood, shall open on signal from 5 a.m. to 9 p.m. if at least four hours notice is given. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

Dated: August 25, 2008.

**J.H. Korn,**

*Captain, U.S. Coast Guard, Commander, 8th Coast Guard District, Acting.*

[FR Doc. E8–20362 Filed 9–2–08; 8:45 am]

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### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2008–0835]

**RIN 1625–AA00**

#### Safety Zone; Waters Surrounding S/V FALLS OF CLYDE, HI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary 500-yard moving safety zone around the S/V FALLS OF CLYDE and her tow vessel(s) during transit within the Honolulu Captain of the Port Zone. The safety zone is established at the request of the Hawaii Maritime Center to protect vessels and persons from approaching too close to the dead-ship tow of the S/V FALLS OF CLYDE. Entry of persons or vessels into this temporary safety