

Under this temporary deviation the bridge may remain in the closed position for four months to facilitate bridge maintenance. A three-week advance notice for openings will be available to allow vessel traffic that can not pass under the closed draw to transit.

**DATES:** This deviation is effective from September 5, 2008 through December 31, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0848 and are available online at <http://www.regulations.gov>. 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 First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this deviation, call Joe Arca, Project Officer, First Coast Guard District, at (212) 668-7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The Triborough (125 Street) Bridge, across the Harlem River at mile 1.3, has a vertical clearance in the closed position of 54 feet at mean high water and 59 feet at mean low water. The existing regulations are listed at 33 CFR 117.789(d).

The owner of the bridge, the Triborough Bridge & Tunnel Authority (TBTA), requested this temporary deviation to facilitate bridge maintenance.

Habitual users of the waterway normally can transit under the Triborough (125 Street) Bridge without requesting a bridge opening due to the size of the vessel traffic that frequently transits this waterway and the ample vertical clearance provided by the bridge in the closed position.

The Willis Avenue Bridge which is also located on the Harlem River upstream from the Triborough (125 Street) Bridge is presently undergoing replacement construction. As a result, construction crane barges occasionally will need to transit through the Triborough (125 Street) Bridge to facilitate the ongoing upstream

construction. The contractor working on the Triborough (125 Street) Bridge has agreed to open the bridge for the passage of the crane barges, provided at least a three-week advance notice is given by calling the bridge owner at (212) 870-6470 or (212) 870-6428.

Under this temporary deviation the Triborough (125 Street) Bridge may remain in the closed position at all times; except that, the bridge shall open on signal after at least a three-week notice is given by calling (212) 870-6470 or (212) 870-6428.

In accordance with 33 CFR 117.35(e), the bridge 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: September 1, 2008.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. E8-21358 Filed 9-11-08; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG-2008-0908]

#### Drawbridge Operation Regulation; Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, Hempstead, 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 Wantagh State Parkway Bridge across Sloop Channel at mile 15.4, at Jones Beach, New York. Under this temporary deviation the bridge may operate on a limited operating schedule for three months to facilitate the completion of bridge construction.

**DATES:** This deviation is effective from September 5, 2008 through November 30, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0908 and are available online at <http://www.regulations.gov>. 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 First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this deviation, call Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Wantagh State Parkway Bridge has a vertical clearance in the closed position of 16 feet at mean high water. The existing drawbridge operation regulations are listed at 33 CFR 117.5.

The New York State Department of Transportation, requested a temporary deviation to facilitate the completion of bridge construction.

The waterway has seasonal recreational vessels and fishing vessels of various sizes.

We contacted the New York Marine Trades Association and Station Jones Beach. No objection to the proposed temporary deviation schedule was received.

Under this temporary deviation, in effect from September 5, 2008 through November 30, 2008, the Wantagh State Parkway Bridge at mile 15.4, across Sloop Channel, shall operate as follows:

From Monday through Friday between 5 p.m. and 6:30 a.m. and at 12 noon, the bridge shall open on signal after at least a 30-minute advance notice is given.

On Saturdays the Bridge shall open on signal after at least a 30-minute advance notice is given between 12:01 a.m. and 6:30 a.m., 10:30 a.m. and 1:30 p.m.

From 4:30 p.m. on Saturdays through 6:30 a.m. on Mondays the bridge shall open on signal every hour on the half-hour after at least a 30-minute advance notice is given.

All other times the bridge need not open for the passage of vessel traffic.

Advance notice may be given by calling (631) 383-6598.

In accordance with 33 CFR 117.35(e), the bridge 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: August 31, 2008.

**Gary Kassofo,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. E8-21361 Filed 9-11-08; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### 33 CFR Part 334

#### United States Navy Restricted Area, Naval Support Activity, Panama City, FL

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps) is establishing ten restricted areas at Naval Support Activity (NSA), Panama City (PC), Florida. NSA, Panama City, and its major tenant command, the Naval Surface Warfare Center (NSWC), have been recognized as one of the lead research, development, test and evaluation laboratories of the U.S. Navy. In addition, the Naval Diving and Salvage Training Center (NDSTC) was relocated from the Washington Navy Yard to NSA PC and now hosts a consolidated training for the U.S. Army Corps of Engineers, U.S. Coast Guard, the Navy's satellite dive schools, the U.S. Marine Corps and the U.S. Air Force. As such, a large majority of military dive training is now concentrated at NSA, PC. The restricted areas in Panama City waters meet strict military training parameters that cannot be duplicated elsewhere. Military training in and around St. Andrews Bay has existed in harmony with local boat traffic and development since 1945. NSA, PC is formalizing these ongoing activities within the waters of St. Andrews Bay in an effort to maximize public safety and to preserve current military training vital to the Global War on Terror and to all service military readiness.

**DATES:** *Effective Date:* October 14, 2008.

**ADDRESSES:** U.S. Army Corps of Engineers, Attn: CECW-CO (David B. Olson), 441 G Street, NW., Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202-761-4922 or Mr. Jon Griffin, U.S. Army Corps of Engineers, Jacksonville District, Regulatory Division at 904-232-1680.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. General Comments and Responses
- III. Changes to Proposal

#### I. Background

Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3) the Corps is amending the regulations in 33 CFR part 334 by establishing ten separate restricted areas as described in the **SUMMARY** paragraph above. The proposed regulations were published in the U.S. Army Corps of Engineers published a proposed rule in July 18, 2007, issue of the **Federal Register** (72 FR 39355) with a 30-day comment period.

#### II. General Comments and Responses

In response to the proposed rule, six comments were received. Comments were provided by an energy company, a non-governmental environmental organization, a state government department and other members of the public. The majority of the comments resulted from a misunderstanding of the actual utilization of the proposed restricted areas. Generally, the commenters presumed that anytime any of the proposed restricted areas were in use the entire area encompassed by the restricted area would be closed to public utilization. This is not the case since the military intends to utilize safety vessels accompanying each training session to define the area within a restricted area which is temporarily unavailable to the public. The definition of the term "military security zones" was redefined to make this distinction more apparent. The non-governmental environmental organization was concerned about the potential impacts of the military training operation on the manatee. The Corps contacted the organization to discuss the concerns. During these discussions, it was noted that the proposed restricted areas are not an indication of an increase in military training; rather it was an effort to provide better protection to the military and the public during the training sessions. The military use of these areas has been ongoing for many years and the proposed establishment of the restricted areas is not anticipated to increase the potential for impacts to the manatee. Additionally, the military noted the possibility that they would be able to provide additional data on the manatee since they will have spotters on each of the safety vessels accompanying the training operation. These spotters would be able to provide the

organization with information on any manatee they sighted during the training operations. The organization provided a response of concurrence with the findings of the Corps and a removal of any objections to the establishment of the restricted areas.

#### III. Changes to Proposal

All of the paragraphs containing descriptions of the proposed restricted areas were modified to simplify and clarify the geographic boundaries of each. All of the restriction related paragraphs were revised to better define the term "military security zones" and to provide information on how activation of the restricted areas is to be noticed. The term "military security zones" is now more clearly identified as specific portion/s within any of the restricted areas which are defined by the safety vessels accompanying each training exercise. A new subparagraph added to each of the restriction paragraphs provided information regarding the notification of activation of any of the proposed restricted areas by way of General Local Notice to Mariners for normal/routine activations and by Notice to Mariners and Broadcast Notice to Mariners for significant exercise and training events.

#### *Procedural Requirements*

a. *Review Under Executive Order 12866.* These rules are issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act.* These rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps determined that these restricted areas would have practically no economic impact on the public, and would not create any anticipated navigational hazard or interference with existing waterway traffic. These rules will have no significant economic impact on small entities.

c. *Review Under the National Environmental Policy Act.* These regulations will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment has been prepared. It may be reviewed at the district office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.