

bridge operator and marine interests, and advance broadcast notice of intended bridge closures should satisfy the reasonable needs of navigation and allow freight rail operations to develop and grow.

#### Temporary Deviation To Be Established

The schedule considered in this notice would provide daily, unscheduled, bridge closures up to thirty minutes in duration.

This temporary deviation requires the AK RR to remain in the open position at all times except during periods when it is closed for the passage of rail traffic. Conrail, the bridge operator, has established a dedicated hot line at 973-690-2454 for coordination of anticipated bridge closures. Tide restrained, deep draft vessels shall call the hot line daily to advise of expected times of vessel transit through the AKRR. The bridge may not close for the passage of trains during any high tide period (2 hours before until ½ hour after predicted high tide at The Battery, New York) if deep draft, tide restrained vessels have advised Conrail of their intent to transit under the bridge. At least 90 minutes and again at 75 minutes prior to a bridge closure the bridge owner or operator shall issue a manual broadcast notice to mariners (minimum range of 15 miles) on channel 13/16, VHF-FM of its intent to close the bridge for up to thirty minutes. Beginning at 60 minutes prior to closure automated broadcasts must be repeated at 15 minute intervals and at 10 and 5 minutes prior to closure. The Coast Guard shall be informed via call to VTS-NY at 718-354-4088. Each day two bridge closures, each fifteen minutes in duration, separated by a thirty minute bridge open period are authorized to allow multiple train movements across the bridge over a short time interval. Vessels shall plan their transits around the announced closure period(s); however a request for up to a 30 minute delay in the bridge closure to allow navigation to meet tide or current requirements shall be granted if requested within 30 minutes after the initial broadcast. Requests received after the initial 30 minutes will not be granted; therefore marine interests should plan their transits carefully. The bridge owner/operator shall repeat the manual bridge closure notice via marine radio at 75 minutes prior to the scheduled closure then via manual or automated broadcast at 15 minute intervals until 15 minutes prior to the intended closure at which time notice of bridge closure will be broadcast every five minutes and once again as the bridge begins to close and appropriate

sound signal given. In the event of bridge operational failure, the bridge owner or operator shall notify the Coast Guard Captain of the Port, New York immediately and shall ensure that a repair crew is on scene at the bridge no later than 45 minutes after the bridge fails to operate and that repair crew shall remain at the bridge until the bridge has been restored to normal operations or raised and locked in the fully open position.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: December 10, 2008.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

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**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG-2008-1187]

RIN 1625-AA09

#### Drawbridge Operation Regulations; Curtis Creek in Baltimore, MD, Maintenance

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Pennington Avenue Bridge, at mile 0.9, across Curtis Creek in Baltimore, MD. Under this temporary deviation, the drawbridge may remain in the closed position on specific dates and times to facilitate electrical repairs.

**DATES:** This deviation is effective from 6 a.m. on January 21, 2009, to 11:59 p.m. on January 27, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-1187 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 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:** Mr. Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6422.

**SUPPLEMENTARY INFORMATION:** The Maryland State Highway Administration, who owns and operates this double-leaf bascule drawbridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.5 that requires the bridge to open promptly and fully for the passage of vessels when a request to open is given to facilitate electrical repairs.

The Pennington Avenue Bridge, a double-leaf bascule, has a vertical clearance in the closed position to vessels of 38 feet, above mean high water.

To facilitate installation of submarine cables and electrical repairs, the drawbridge will be maintained in the closed-to-navigation position from 6 a.m. on January 21, 2009, until and including 11:59 p.m. on January 27, 2009.

The Coast Guard will inform the users of the waterway through our Local and Broadcast Notices to Mariners of the opening restrictions of the draw span to minimize transiting delays caused by the temporary deviation.

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: December 15, 2008.

**Waverly W. Gregory, Jr.,**

*Chief, Bridge Administration, Branch Fifth Coast Guard District.*

[FR Doc. E8-31073 Filed 12-30-08; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 219

RIN 0596-AB86

#### National Forest System Land Management Planning; Correction

**AGENCY:** Forest Service, USDA.

**ACTION:** Correcting amendment.

**SUMMARY:** This document makes technical corrections Forest Service regulations concerning the

administrative review procedures that the responsible official may use in some cases when approving plans, plan amendments, or plan revisions during the transition period for the rule. A final rule was published in volume 73 of the **Federal Register**, page 21468, April 21, 2008. This document makes corrections to the April 21 rule.

**DATES:** *Effective Date:* These corrections are effective December 31, 2008.

**ADDRESSES:** Written inquiries about this correction notice may be sent to the Director, Ecosystem Management Coordination Staff, USDA Forest Service, 1400 Independence Ave., SW., Mailstop Code 1104, Washington, DC 20250-1104.

**FOR FURTHER INFORMATION CONTACT:** Ecosystem Management Coordination Staff's Planning Specialist Regis Terney at (202) 205-1552.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In volume 73 of the **Federal Register**, page 21468, April 21, 2008 (73 FR 21468) the United States Department of Agriculture (Department) published a final rule setting forth directions for developing, amending, revising, and monitoring land management plans (the planning rule). On May 27, 2008, the Office of the Federal Register informed the Department that citing "36 CFR 217" in the Code of Federal Regulations (CFR) was not appropriate because "36 CFR 217" no longer exists. Currently, part 219 refers several times to the administrative review procedures "at 36 CFR part 217 in effect prior to November 9, 2000 (see 36 CFR parts 200 to 299, revised as of July 1, 2000)."

##### **Need for Correction**

These Code of Federal Regulations references must be removed because (1) they refer to an outdated edition of the CFR, (2) part 217 has not been codified in the CFR since 2000, and (3) the reference is confusing to people who will not find part 217 in the CFR. Therefore the Department is issuing a technical correction to section 219.14(b)(2) and section 219.14(b)(3)(iii) of the planning rule.

The planning rule's transition provisions, at 36 CFR 219.14(b), allow a responsible official to provide either objection procedures, as provided by section 219.13 of the planning rule, or the administrative appeal procedures formerly codified under 36 CFR part 217 for administrative review of land management plans or plan amendments in some situations. In the place of "36 CFR part 217" in the corrected rule, the Department cites the **Federal Register**

notices for the procedures formerly codified at 36 CFR part 217.

The Department identifies these procedures as the "optional appeal procedures available during the planning rule transition period." This format eliminates references to the previous coding of the administrative appeal and review procedures in the CFR to avoid confusion as to the proper status of those procedures. The "optional appeal procedures available during the planning rule transition period," are 54 FR 3357 (January 23, 1989), as amended at 54 FR 13807 (April 5, 1989); 54 FR 34509 (August 21, 1989); 55 FR 7895 (March 6, 1990); 56 FR 4918 (February 6, 1991); 56 FR 46550 (September 13, 1991); and 58 FR 58915 (November 4, 1993). The "optional appeal procedures available during the planning rule transition period," are available at <http://www.fs.fed.us/emc/applit/includes/PlanAppealProceduresDuringTransition.pdf>.

##### **List of Subjects in 36 CFR Part 219**

Administrative practice and procedure, Environmental impact statements, Indians, Intergovernmental relations, National forests, Reporting and recordkeeping requirements, Science and technology.

■ Accordingly, 36 CFR part 219 is corrected by making the following correcting amendments:

##### **PART 219—PLANNING**

■ 1. The authority citation for subpart A continues to read as follows:

**Authority:** 5 U.S.C. 301; 16 U.S.C. 1604, 1613.

##### **Subpart A—National Forest System Land Management Planning**

■ 2. In § 219.14 revise paragraphs (b)(2) and (b)(3)(iii) to read as follows:

##### **§ 219.14 Effective dates and transition.**

\* \* \* \* \*

(b) \* \* \*

(2) *Plan Amendments.* With respect to plans approved or revised pursuant to the planning regulation in effect before November 9, 2000, (see 36 CFR parts 200 to 299, Revised as of July 1, 2000), a 3-year transition period for plan amendments begins on April 21, 2008. During the transition period, plan amendments may continue using the provisions of the planning regulation in effect before November 9, 2000, or may conform to the requirements of this subpart. If the responsible official uses the provisions of the prior planning regulations, the responsible official may elect to use either the objection procedures of this subpart or the

optional appeal procedures available during the planning rule transition period. The optional appeal procedures available during the planning rule transition period are published at 54 FR 3357 (January 23, 1989), as amended at 54 FR 13807 (April 5, 1989); 54 FR 34509 (August 21, 1989); 55 FR 7895 (March 6, 1990); 56 FR 4918 (February 6, 1991); 56 FR 46550 (September 13, 1991); and 58 FR 58915 (November 4, 1993). Plan amendments initiated after the transition period must conform to the requirements of this subpart.

(3) \* \* \*

(iii) Except when a plan amendment is approved contemporaneously with a project or activity and applies only to that project or activity (in a way that 36 CFR part 215 or part 218, subpart A apply), the responsible official may elect to use either the objection procedures of this subpart or the optional appeal procedures available during the planning rule transition period. The optional appeal procedures available during the planning rule transition period are published at 54 FR 3357 (January 23, 1989), as amended at 54 FR 13807 (April 5, 1989); 54 FR 34509 (August 21, 1989); 55 FR 7895 (March 6, 1990); 56 FR 4918 (February 6, 1991); 56 FR 46550 (September 13, 1991); and 58 FR 58915 (November 4, 1993).

\* \* \* \* \*

Dated: December 24, 2008.

**Hank Kashdan,**

*Deputy Chief, Business Operations.*

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**BILLING CODE 3410-11-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[FRL-8759-5]

### **Clean Air Act Prevention of Significant Deterioration (PSD) Construction Permit Program; Interpretation of Regulations That Determine Pollutants Covered by the Federal PSD Permit Program**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of issuance of the Administrator's interpretation.

**SUMMARY:** On December 18, 2008, the Administrator issued an interpretive memorandum entitled "EPA's Interpretation of Regulations That Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program." This memorandum clarifies the scope of