

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 does not create an environmental risk to health or risk to safety that may 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 guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded under the Instruction 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 (34)(h), of the Instruction, from further environmental documentation.

Under figure 2–1, paragraph (34)(h), 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 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—REGATTAS AND MARINE PARADES

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35–T05–0738 to read as follows:

§ 100.35–T05–0738 Wrightsville Channel, Wrightsville Beach, NC.

(a) *Regulated area.* The regulated area is established for the waters of Banks Channel, adjacent to Wrightsville Beach, NC, from the southern tip of Wrightsville Beach approximate position latitude 34°11'15" N, longitude 077°48'51" W, thence northeast to Seapath Marina, Wrightsville Beach, NC, approximate position latitude 34°12'45" N, longitude 077°48'27" W. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who have been designated by the Commander, Coast Guard Sector North Carolina.

(2) Official Patrol means any person or vessel assigned or approved by Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) Participant includes all swimmers and support vessels participating in the "Beach 2 Battleship Full and Half Iron Distance Triathlon" under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector North Carolina.

(c) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must: (i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) The operator of a vessel in the regulated area shall stop the vessel immediately when instructed to do so by the Official Patrol and then proceed as directed.

(iv) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the swim course.

(d) *Enforcement Period.* This section will be enforced from 6 a.m. to 11 a.m. on November 1, 2008.

Dated: September 25, 2008.

Neil O. Buschman,

Captain, U.S. Coast Guard Commander, Fifth Coast Guard District Acting

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket No. USCG–2008–0076]

RIN 1625–AA01

Anchorage Regulations; Yarmouth, ME, Casco Bay; Correction

AGENCY: Coast Guard, DHS.

ACTION: Correcting amendments.

SUMMARY: The Coast Guard published a final rule in the **Federal Register** on March 12, 2008 (73 FR 13125), creating three special anchorage areas in Yarmouth, Maine. That rule contained

imprecise coordinates. With this document the Coast Guard is correcting the coordinates of the boundaries to the three Yarmouth special anchorages listed in 33 CFR 110.5, in response to more detailed information received from the National Ocean Service (NOS). These changes will not affect the locations or the size of the anchorages.

DATES: This correction is effective November 3, 2008.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Mr. John J. Mauro, First Coast Guard District Prevention and Waterways, (617) 223-8355, E-mail: *John.J.Mauro@uscg.mil*.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 2008, we published a final rule entitled Anchorage Regulations; Yarmouth, ME, Casco Bay in the **Federal Register** (73 FR 13125) establishing three Special Anchorage areas in Yarmouth, Maine, Casco Bay. However, NOS notified the Coast Guard that the geographic coordinates for Madeleine and Sandy Point Special Anchorage and Drinkwater Point and Princes Point Special Anchorages used in the NPRM and final rules created a boundary that did not entirely enclose the anchorage areas. NOS is able to plot very precise coordinates, and determined that the published coordinates allowed a “gap” of a few yards in the boundaries of these anchorages. The Coast Guard has reviewed the updated coordinates and graphics sent by NOS and agrees with NOS’s assessment. We have issued this correction with the updated coordinates for the boundaries according to NOS’s assessment. We will notify mariners of this correction via the Local Notice to Mariners once this rule appears in the **Federal Register**.

Need for Correction

As published, the final rule contains errors that need to be clarified. The boundaries of an anchorage area should completely enclose the area, without any gaps that could create confusion when represented on a chart.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

■ For the reasons discussed in the preamble, the Coast Guard corrects 33 CFR part 110 by making the following correcting amendments:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471; 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 110.5 paragraph (f) to read as follows:

§ 110.5 Casco Bay, Maine.

* * * * *

(f) Yarmouth Harbor and adjacent waters—(1) Littlejohn Island/Doyle Point Cousins Island Special Anchorage. All of the waters enclosed by a line connecting the following points: Starting from the northernmost point of Littlejohn Island at latitude 43°45′51.6″ N, longitude 70°06′57.0″ W; thence to latitude 43°45′46.8″ N, longitude 70°06′53.4″ W; thence to latitude 43°45′25.8″ N, longitude 70°07′22.8″ W; thence to latitude 43°45′16.8″ N, longitude 70°07′40.8″ W; thence to latitude 43°44′57.0″ N, longitude 70°08′27.0″ W; thence to latitude 43°44′59.9″ N, longitude 70°08′30.0″ W. DATUM: NAD 83.

(2) Madeleine and Sandy Point Special Anchorage. All of the waters enclosed by a line connecting the following points: Starting from a point northeast of Birch Point on Cousins Island at latitude 43°45′15.1″ N, longitude 70°09′16.8″ W; thence to latitude 43°45′21.0″ N, longitude 70°09′30.0″ W; thence to latitude 43°45′37.8″ N, longitude 70°09′10.8″ W; thence to latitude 43°45′57.0″ N, longitude 70°08′58.8″ W; thence to latitude 43°46′01.3″ N, longitude 70°08′45.0″ W. DATUM: NAD 83.

(3) Drinkwater Point and Princes Point Special Anchorage. All of the waters enclosed by a line connecting the following points: Starting south of Drinkwater Point in Yarmouth, Maine at latitude 43°46′26.8″ N, longitude 70°09′17.0″ W; thence to latitude 43°46′21.0″ N, longitude 70°09′09.6″ W; thence to latitude 43°46′04.2″ N, longitude 70°09′46.2″ W; thence to latitude 43°45′28.8″ N, longitude 70°10′24.0″ W; thence to latitude 43°45′43.2″ N, longitude 70°10′24.0″ W. DATUM: NAD 83.

Note to paragraph (f). An ordinance of the Town of Yarmouth, Maine requires the approval of the Yarmouth Harbor Master for the location and type of moorings placed in these special anchorage areas. All anchoring in the areas are under the supervision of the Yarmouth Harbor Master or other such authority as may be designated by the authorities of the Town of Yarmouth, Maine. All moorings are to be so placed that no moored vessel will extend beyond the limit of the anchorage area.

Dated: September 16, 2008.

Liam J. Slein,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

[FDMS Docket NARA–07–0004]

RIN 3095–AB43

Federal Records Management; Media Neutral Schedules

AGENCY: National Archives and Records Administration.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to the final regulations, which were published in the **Federal Register** of Thursday, November 15, 2007 (72 FR 64155). The regulations allowed agencies to make new Federal records schedules and certain existing approved records schedules applicable to series of records regardless of the medium in which the records are created and maintained.

DATES: October 2, 2008.

FOR FURTHER INFORMATION CONTACT: Laura McCarthy at 301–837–1640.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction made new Federal records schedules media neutral unless otherwise specified and allowed schedules previously approved for hard copy records to be applied to electronic versions of the files if certain conditions are met. The regulation applies to all Federal agencies, including the National Archives and Records Administration (NARA).

Need for Correction

As published, the final regulations contain an error in § 1228.24(b)(3); the paragraph requires an effective date and not the instruction to use the effective date of the rule.

List of Subjects in 36 CFR Part 1228

Archives and records.

■ Accordingly, 36 CFR part 1228 is corrected by making the following correcting amendment:

PART 1228—DISPOSITION OF FEDERAL RECORDS

■ 1. The authority citation for part 1228 continues to read as follows: