

section and adding in its place “1140–0032”.

■ 44. Section 478.125a is amended by removing “1512–0387” in the parenthetical text at the end of the section and adding in its place “1140–0032”.

■ 45. Section 478.126 is amended by removing “1512–0387” in the parenthetical text at the end of the section and adding in its place “1140–0032”.

■ 46. Section 478.126a is amended by removing “1512–0006” in the parenthetical text at the end of the section and adding in its place “1140–0003”.

■ 47. Section 478.127 is amended by removing “Spring Mills Office Park, 2029 Stonewall Jackson Drive, Falling Waters, West Virginia 25419” in the second sentence and adding in its place “244 Needy Road, Martinsburg, West Virginia 25405”, and by removing “Chief, National Licensing Center” and adding in its place “Chief, Federal Firearms Licensing Center”.

■ 48. Section 478.131 is amended by removing “1512–0544” in the parenthetical text at the end of the section and adding in its place “1140–0045”.

■ 49. Section 478.132 is amended by removing “1512–0526” in the parenthetical text at the end of the section and adding in its place “1140–0041”.

■ 50. Section 478.133 is amended by removing “1512–0526” in the parenthetical text at the end of the section and adding in its place “1140–0041”.

■ 51. Section 478.150 is amended by removing “1512–0544” in the parenthetical text at the end of the section and adding in its place “1140–0045”.

■ 52. Section 478.151 is amended by adding a parenthetical text at the end of the section to read as follows:

**§ 478.151 Semiautomatic rifles or shotguns for testing or experimentation.**

\* \* \* \* \*

(Paragraph (b) approved by the Office of Management and Budget under control number 1140–0037)

**PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS**

■ 53. The authority citation for 27 CFR Part 479 continues to read as follows:

**Authority:** 26 U.S.C. 7805.

■ 54. Section 479.21(b) is amended by removing “7943 Angus Court,

Springfield, Virginia 22153” and adding in its place “7664 K Fullerton Road, Springfield, Virginia 22150”.

■ 55. Section 479.102 is amended by removing “1512–0550” in the parenthetical text at the end of the section and adding in its place “1140–0050”.

■ 56. Section 479.131 is amended by removing “1512–0387” in the parenthetical text at the end of the section and adding in its place “1140–0032”.

**PART 555—COMMERCE IN EXPLOSIVES**

■ 57. The authority citation for 27 CFR Part 555 continues to read as follows:

**Authority:** 18 U.S.C. 847.

■ 58. Section 555.21(b) is amended by removing “7943 Angus Court, Springfield, Virginia 22153” and adding in its place “7664 K Fullerton Road, Springfield, Virginia 22150”.

■ 59. Section 555.23 is amended by removing “Center, 7943 Angus Court, Springfield, Virginia, 22153” and adding in its place “Center (See § 555.21)”.

■ 60. Section 555.109 is amended by removing the parenthetical text at the end of the section and adding in its place “(Approved by the Office of Management and Budget under control numbers 1140–0055 and 1140–0062)”.

■ 61. Section 555.121 is amended by removing “1512–0373” in the parenthetical text at the end of the section and adding in its place “1140–0030”.

■ 62. Section 555.122 is amended by removing “1512–0373” in the parenthetical text at the end of the section and adding in its place “1140–0030”.

■ 63. Section 555.123 is amended by removing “1512–0373” in the parenthetical text at the end of the section and adding in its place “1140–0030”.

■ 64. Section 555.124 is amended by removing “1512–0373” in the parenthetical text at the end of the section and adding in its place “1140–0030”.

■ 65. Section 555.128 is amended by removing “Spring Mills Office Park, 882 T.J. Jackson Drive, Falling Waters, West Virginia 25419” in the second sentence and adding in its place “244 Needy Road, Martinsburg, West Virginia 25405”.

■ 66. Section 555.181 is amended by removing the parenthetical text at the end of section.

■ 67. Section 555.184 is amended by removing “1512–0539” in the parenthetical text at the end of the section and adding in its place “1140–0042”.

■ 68. Section 555.201 is amended by removing “1512–0536” in the parenthetical text at the end of the section and adding in its place “1140–0071”.

Dated: September 26, 2008.

**Michael B. Mukasey,**  
*Attorney General.*

[FR Doc. E8–23178 Filed 10–1–08; 8:45 am]

**BILLING CODE 4410–FY–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[Docket No. USCG–2008–0738]

**RIN 1625–AA08**

**Special Local Regulations for Marine Events; Wrightsville Channel, Wrightsville Beach, NC**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing Temporary special local regulations for the swim portions of “Beach 2 Battleship Full and Half Iron Distance Triathlon”, to be held on the waters of Banks Channel, adjacent to Wrightsville Beach, North Carolina. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in Wrightsville Channel during the swimming portion of this event.

**DATES:** This rule is effective from 6 a.m. to 11 a.m. on November 1, 2008.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2008–0738 and are available online at [www.regulations.gov](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 Fifth Coast Guard District, Prevention Division, 431 Crawford Street, Room 416, Portsmouth, VA 23704 between 10

a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Christopher D. Humphrey, Coast Guard Sector North Carolina, Atlantic Beach, NC (252) 247-4571. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On August 18, 2008, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations for Marine Events; Wrightsville Channel, Wrightsville Beach, NC in the **Federal Register** (73 FR 48160). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

##### **Background and Purpose**

On November 1, 2008, the Wilmington YMCA will sponsor the "Beach 2 Battleship Full and Half Iron Distance Triathlon" on the waters of Banks Channel including the waters of Wrightsville Channel adjacent to Wrightsville Beach, North Carolina. The swim portion of the event will consist of two groups of 500 swimmers entering Banks Channel southwest of the Coast Guard Station and swimming northeast along Wrightsville Channel and Motts Channel to Seapath Marina. A fleet of spectator vessels are expected to gather near the event site to view the competition. To provide for the safety of the participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during this event.

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

The Coast Guard did not receive comments in response to the notice of proposed rulemaking (NPRM) published in the **Federal Register**. Accordingly, the Coast Guard is establishing temporary special local regulations on specified waters of Wrightsville Channel, Wrightsville Beach, NC.

##### **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.

Although this regulation prevents traffic from transiting a portion of Wrightsville Channel and Motts Channel during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect. Extensive advance notification will be made to the maritime community via marine information broadcast, area newspapers, local radio and television stations so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area between races, when the Coast Guard Patrol Commander deems it is safe to do so.

##### **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. The rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit this section of Wrightsville Channel, Motts Channel and Banks Channel from 6 a.m. to 11 a.m. on November 1, 2008. This rule would not have a significant economic impact on a substantial number of small entities for the following reasons. Although the regulated area will apply to the Wrightsville Channel, traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. In the case where the Patrol Commander authorizes passage through the regulated area, vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the swim course. The Patrol Commander will allow non-participating vessels to transit the event area once all swimmers are safely clear of navigation channels and vessel traffic areas. Before the

enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

##### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), in the NPRM 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 effect 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 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*

[FR Doc. E8–23188 Filed 10–1–08; 8:45 am]

**BILLING CODE 4910–15–P**

### 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