

SUMMARY: The Department of the Treasury, Financial Management Service published a document in the **Federal Register** on Monday, December 28, 2009. That document inadvertently contained incorrect dates in the rule. This document corrects those dates.

DATES: Effective on January 4, 2010.

FOR FURTHER INFORMATION CONTACT: Thomas Dungan, Senior Policy Analyst, at (202) 874-6660, or Tricia Long, Senior Counsel, at (202) 874-6680.

SUPPLEMENTARY INFORMATION: The Department of the Treasury, Financial Management Service published a document in the **Federal Register** on Monday, December 28, 2009 (74 FR 68537). That document inadvertently contained incorrect dates in the rule. This document corrects the dates set forth in paragraph (d)(6) of § 285.2.

List of Subjects in 31 CFR Part 285

Administrative practice and procedure, Black lung benefits, Child support, Claims, Credit, Debts, Disability benefits, Federal employees, Garnishment of wages, Hearing and appeal procedures, Loan programs, Privacy, Railroad retirement, Railroad unemployment insurance, Salaries, Social Security benefits, Supplemental Security Income (SSI), Taxes, Veteran's benefits, Wages.

■ Accordingly, 31 CFR part 285 is corrected by making the following correcting amendment:

PART 285—DEBT COLLECTION AUTHORITIES UNDER THE DEBT COLLECTION IMPROVEMENT ACT OF 1996

■ 1. The authority citation for part 285 continues to read as follows:

Authority: 5 U.S.C. 5514; 26 U.S.C. 6402; 31 U.S.C. 321, 3701, 3711, 3716, 3719, 3720A, 3720B, 3720D; 42 U.S.C. 664; E.O. 13019, 61 FR 51763, 3 CFR, 1996 Comp., p. 216.

§ 285.2 [Corrected]

■ 2. In § 285.2, remove “January 27, 2010” wherever it appears, and add, in its place, “December 28, 2009”.

Dated: January 4, 2010.

David A. Lebryk,

Commissioner, Financial Management Service.

[FR Doc. 2010-20 Filed 1-4-10; 4:15 pm]

BILLING CODE 4810-35-P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 724

[No. USN-2008-0009]

RIN 0703-AA86

Naval Discharge Review Board

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy amends its rules under 32 CFR Part 724 to reflect the name change of the Naval Council of Personnel Boards to the Secretary of the Navy Council of Review Boards and to update other administrative information pertaining to the Naval Discharge Review Board.

DATES: This rule is effective January 6, 2010.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Tanya M. Cruz, JAGC, U.S. Navy, Office of the Judge Advocate General (Administrative Law), Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone: 703-614-7403.

SUPPLEMENTARY INFORMATION: The Department of the Navy published a proposed rule at 74 FR 31222 on June 30, 2009, amending 32 CFR Part 724 to reflect the name change of the Naval Council of Personnel Boards to the Secretary of the Navy Council of Review Boards and to update other administrative information pertaining to the Naval Discharge Review Board, including the administration and management of Naval Discharge Review Board (NDRB) Panels within the National Capital Region (NCR) and other selected sites. Comments were submitted on the proposed rule.

Analysis of Comments and Changes

Comment. A commentator expressed disagreement with the determination that the proposed changes do not constitute significant regulatory action, stating that the proposed rule impacts due process rights pertaining to the NDRB. The Department disagrees with this comment. The proposed rule does not restrict any qualified applicant from requesting the NDRB to conduct a review of a discharge from the naval service. The proposed rule amends applicable regulations for purposes of clarifying the administration and management of the NDRB Panels within the NCR and other selected sites. In addition, the proposed rule updates administrative information relating to the Secretary of the Navy Council of

Review Boards and the NDRB. The proposed rule does not meet requirements under Executive Order 12866, “Regulatory Planning and Review,” to be considered a significant regulatory action.

Comment. A commentator disagreed with the proposed changes to 32 CFR Parts 724.221, 724.222, 724.501, and 724.601, stating that the proposed changes impair the possibility of traveling boards. The Department disagrees with this interpretation of the proposed changes. The proposed rule amends applicable regulations for purposes of clarifying the administration and management of NDRB Panels within the NCR and other selected sites. The current regulations provide for the NDRB Panels to travel to other selected sites within the contiguous 48 states as permitted by available resources. The current regulations also provide that the selection of sites and frequency of visits shall be predicated on the number of requests pending within a region. The proposed rule is consistent with applicable regulations and does not eliminate the right to appear before the NDRB. However, upon further consideration, the Department has decided not to adopt the changes as proposed regarding NDRB traveling panels under 32 CFR Parts 724.221, 724.222, 724.501 and 724.601.

Comment. A commentator sought clarification under 32 CFR Part 724.504, regarding the text “if required;” specifically, whether this text was intended to modify “health record,” or “health record” and “service record.” The proposed change only pertains to medical records. For purposes of clarity, the text “if required” has been inserted before the words “health records” in the final rule.

The written comments received were fully considered in making the final amendments to 32 CFR Part 724. It has been determined that this final rule amendment is not a major rule within the criteria specified in Executive Order 12866, as amended by Executive Order 13258, and does not have substantial impact on the public.

Matters of Regulatory Procedure

Executive Order 12866, “Regulatory Planning and Review”

It has been determined that 32 CFR Part 724 is not a significant regulatory action. The rule does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the

environment, public health or safety, or state, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of the recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4)

It has been certified that 32 CFR Part 724 does not contain a Federal Mandate that may result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

Public Law 96-511. "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been certified that 32 CFR Part 724 does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Federalism (Executive Order 13132)

It has been certified that 32 CFR Part 724 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of government.

List of Subjects in 32 CFR Part 724

Administrative practice and procedure, Archives and records, and Military personnel.

■ For the reasons set forth in the preamble, the Department of the Navy amends 32 CFR Part 724 as follows:

PART 724—NAVAL DISCHARGE REVIEW BOARD

■ 1. The authority citation for Part 724 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. 1553.

■ 2. Section 724.116 is amended by revising the section heading to read as follows:

§ 724.116 Counsel/Representative.

* * * * *

§ 724.118 [Amended]

■ 3. Section 724.118 is amended by removing "and medical" in the second sentence.

■ 4. Section 724.201 is revised to read as follows:

§ 724.201 Authority.

The Naval Discharge Review Board, established pursuant to 10 U.S.C. 1553, is a component of the Secretary of the Navy Council of Review Boards. On December 6, 2004, the Assistant Secretary of the Navy (Manpower & Reserve Affairs) approved the change in name from Naval Council of Personnel Boards to Secretary of the Navy Council of Review Boards. By SECNAVINST 5730.7 series, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) is authorized and directed to act for the Secretary of the Navy within his/her assigned area of responsibility and exercises oversight over the Secretary of the Naval Council of Review Boards. SECNAVINST 5420.135 series states the organization, mission, duties and responsibilities of the Secretary of the Naval Council of Review Boards to include the Naval Discharge Review Board. The Chief of Naval Operations established the Office of Naval Disability Evaluation and the Navy Council of Personnel Boards on 1 October 1976 (OPNAVNOTE 5450 Ser 09b26/535376 of 9 Sep 1976 (Canc frp: Apr 77)). The Chief of Naval Operations approved the change in name of the Office of Naval Disability Evaluation and Navy Council of Personnel Boards to Naval Council of Personnel Boards on 1 February 1977 (OPNAVNOTE 5450 Ser 099b26/32648 of 24 Jan 1977 (Canc frp: Jul 77)) with the following mission Statement:

To administer and supervise assigned boards and councils.

§ 724.223 [Amended]

■ 5. Section 724.223 is amended in paragraph (d) by removing "NCPB" and adding "NDRB" in its place.

Subpart C—Director, Secretary of the Navy Council of Review Boards and President Naval Discharge Review Board; Responsibilities in Support of the Naval Discharge Review Board

■ 6. The Subpart C heading is revised to read as set forth above.

■ 7. Section 724.302 is amended as follows:

■ a. The section heading is revised to read as set forth below; and

■ b. Paragraph (h) is amended by removing "Naval Council of Personnel Boards" and adding "Secretary of the

Navy Council of Review Boards" in its place.

§ 724.302 Functions: Director, Secretary of the Navy Council of Review Boards.

* * * * *

§ 724.303 [Amended]

■ 8. Section 724.303 is amended in paragraph (e) by removing "5211.5C" and adding "5211.5 series" in its place.

§ 724.501 [Amended]

■ 9. Section 724.501 is amended in paragraph (e) by removing "withdrawn" and adding "withdraw" in its place.

§ 724.502 [Amended]

■ 10. Section 724.502 is amended as follows:

■ a. Paragraph (c) is amended by removing "Suite 905—801 North Randolph Street, Arlington, VA 22203" and adding "720 Kennon Ave SE., Suite 309, Washington, DC 20374—5023" in its place; and

■ b. Paragraph (d) is amended by removing "696—4881" and adding "685—6600" in its place.

§ 724.504 [Amended]

■ 11. Section 724.504 is amended in paragraph (a) by adding ", if required," prior to "health record."

§ 724.601 [Amended]

■ 12. Section 724.601 is amended by removing "Naval Council of Personnel Boards" and adding "Secretary of the Navy Council of Review Boards" in its place.

■ 13. Section 724.701 is amended as follows:

■ a. The introductory text is amended by removing "Naval Council of Personnel Boards" and adding "Secretary of the Navy Council of Review Boards" in its place; and

■ b. Paragraph (c) is revised to read as follows:

§ 724.701 Composition.

* * * * *

(c) Normally, at least three of the five members of the NDRB shall belong to the service from which the applicant whose case is under review was discharged.

* * * * *

■ 14. Section 724.703 is revised to read as follows:

§ 724.703 Legal counsel.

Normally, the NDRB shall function without the immediate attendance of legal counsel. In the event that a legal advisory opinion is deemed appropriate by the NDRB, such opinion shall be obtained routinely by reference to the

Counsel assigned to the Office of the Director, Secretary of the Navy Council of Review Boards. In addition, the NDRB may request advisory opinions from staff offices of the Department of the Navy, including, but not limited to the General Counsel and the Judge Advocate General.

Dated: December 28, 2009.

A.M. Vallandigham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9-31231 Filed 1-5-10; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2009-0430]

RIN 1625-AA08

Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the list of recurring marine events within the Fifth Coast Guard District. These regulations make minor changes to the regulated areas of two permitted marine events listed in the table attached to the regulation. These special local regulations are necessary to provide for the safety of life on navigable waters during marine events. This action will restrict vessel traffic in portions of the Chesapeake Bay and Assateague Channel, Virginia.

DATES: This rule is effective February 5, 2010.

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-2009-0430 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0430 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or

e-mail Dennis Sens, Project Manager, Fifth Coast Guard District, Prevention Division, 757-398-6204 or e-mail Dennis.M.Sens@uscg.mil. 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 June 25, 2009, we published an Interim final rule; request for comments entitled Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District in the **Federal Register** (74 FR 30220). We received no comments on the interim final rule. No public meeting was requested and none was held.

Background and Purpose

Marine events are frequently held on the navigable waters within the boundary of the Fifth Coast Guard District. For a description of the geographical area of each Coast Guard Sector—Captain of the Port Zone, please see 33 CFR 3.25.

This regulation amends two marine events listed in 33 CFR Part 100.501, Table to § 100.501. They are event No. 20, The Great Chesapeake Bay Bridges Swim Races and Chesapeake Challenge One Mile Swim and event No. 42, Pony Penning Swim.

Annually, the Great Chesapeake Bay Swim, Inc. sponsors the "The Great Chesapeake Bay Bridges Swim Races and Chesapeake Challenge One Mile Swim" on the waters of the Chesapeake Bay near the William P. Lane Jr. Memorial (Chesapeake Bay) Bridge. The regulated area is a line that runs parallel to both the north and south spans of the bridge and includes the waters 500 yards north of the north span and 500 yards south of the south span of the bridge. The regulated area listed in the Table to § 100.501 for event No. 20 is amended to describe the area as follows: The waters of the Chesapeake Bay between and adjacent to the spans of the William P. Lane Jr. Memorial Bridge shore to shore 500 yards north of the north span of the bridge from the western shore at latitude 39°00'36" N, longitude 076°23'53" W and the eastern shore at latitude 38°59'14" N, longitude 076°20'00" W; and 500 yards south of the south span of the bridge from the western shore at latitude 39°00'16" N, longitude 076°24'30" W and the eastern shore at latitude 38°58'39" N, longitude 076°20'10" W. The regulated area as described is amended to ensure the safety of participants and support vessels and in accordance with 33 CFR 100.501 will be enforced for the

duration of the marine event. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted in this segment of the Chesapeake Bay. Under provisions of 33 CFR 100.501, during the enforcement period, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander. Vessel traffic may be allowed to transit the regulated area only when the Patrol Commander determines it is safe to do so.

Annually, the Chincoteague Volunteer Fire Department sponsors the "The Pony Penning Swim" on the waters of Assateague Channel that runs between Chincoteague and Assateague Islands. The regulated area includes the waters of Assateague Channel from shoreline to shoreline, bounded to the east by a line drawn from latitude 37°55'00" N, longitude 075°22'45" W, to latitude 37°54'47" N, longitude 075°22'45" W, and to the south by a line drawn from latitude 37°54'47" N, longitude 075°22'45" W, to latitude 37°54'47" N, longitude 075°23'04" W. The regulated area as described, is amended to ensure the safety of participants, wildlife and support vessels, and in accordance with 33 CFR 100.501 will be enforced for the duration of the marine event. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted in this segment of Assateague Channel. Vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

Specific information on each event, including the exact dates, times and description of the regulated area, will be provided to the public through a Local Notice to Mariners published before the event, as well as through Broadcast Notice to Mariners. The public will also be notified about these marine events by local newspapers, radio and television stations. The various methods of notification provided by the Coast Guard and local community media outlets will facilitate informing mariners so they can adjust their plans accordingly.

Discussion of Comments and Changes

The Coast Guard did not receive any comments in response to the interim rule published in the **Federal Register**. Accordingly, the Coast Guard is establishing as permanent the interim rule modifying the special local regulations on the specified waters of the Chesapeake Bay and Assateague Channel, Virginia.