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Dated: May 7, 2008.

**William R. Tobey,**

*Acting Executive Director, Federal Labor Relations Authority.*

[FR Doc. E8-10598 Filed 5-12-08; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2008-0283]

#### Special Local Regulation: Harvard-Yale Regatta, New London, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the regulation for Regattas and Marine Parades found at 33 CFR 100.101 for the annual Harvard-Yale Regatta, Thames River, New London, CT from 2 p.m. to 5 p.m. on June 14, 2008. This action is necessary to control the anticipated heavy recreational vessel traffic of both event participants and observers, and other waterways users within the immediate vicinity of the event, thus providing for the safety of life and property of the maritime community on the affected navigable waters. During the enforcement period, no person or vessel may enter, transit, or remain in the regulated area within the Thames River, as detailed in 33 CFR 100.101, unless participating in the event or unless authorized by the Coast Guard patrol commander.

**DATES:** The regulations in 33 CFR 100.101 will be effective from 2 p.m. to 5 p.m. on June 14, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant D. Miller, Chief, Waterways Management Division, Coast Guard Sector Long Island Sound at (203) 468-4596.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the permanent special local regulation found in 33 CFR 100.101 concerning the Harvard-Yale Regatta, Thames River, New London, CT from 2 p.m. to 5 p.m. on June 14, 2008. Under the provisions of 33 CFR 100.101, a portion of the navigable waters of the Thames River will be closed during the effective period to all persons and vessel traffic, except for vessels participating in the event and local, state or Coast

Guard patrol craft. Further, 33 CFR 100.101 provides regulations for mooring, anchoring and transiting near the event race course. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under the authority of 33 CFR 100.101 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, public notification will be made via the First Coast Guard District Local Notice to Mariners and marine safety broadcasts.

Dated: April 30, 2008.

**D.A. Ronan,**

*Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.*

[FR Doc. E8-10535 Filed 5-12-08; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2008-0338]

RIN 1625-AA00

#### Safety Zone; Fireworks Displays, Anacostia River, Washington, DC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule; request for comments.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone upon specified waters of the Anacostia River. This action is necessary to provide for the safety of life on navigable waters during scheduled fireworks displays launched along the shoreline near the newly-constructed Washington Nationals Ballpark, in Washington, DC. This action will restrict vessel traffic in a portion of the Anacostia River.

**DATES:** This rule is effective from April 25, 2008 through September 19, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0338 and are available online at [www.regulations.gov](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, Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Baltimore, Maryland 21226-1791,

between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Mr. Ronald L. Houck, Coast Guard Sector Baltimore, at (410) 576-2674 or (410) 576-2693. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and (d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying its effective date would be contrary to public interest, since immediate action is needed to protect mariners on the Anacostia River against potential hazards associated with fireworks displays, such as the accidental discharge of fireworks and falling hot embers or other debris.

##### Request for Comments

Although we did not publish a notice of proposed rulemaking, we encourage you to participate in this rulemaking by submitting comments and related materials. If you do so, please include your name and address, identify the docket number for this rulemaking (USCG-2008-0338), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the effective period. We may change this rule in view of them.

##### Background and Purpose

Fireworks displays are frequently held from locations on or near the navigable waters of the United States. The accidental discharge of fireworks and falling hot embers or other debris are a safety concern during such events. The Coast Guard has the authority to impose appropriate controls on marine events that may pose a threat to persons, vessels and facilities under its jurisdiction. The purpose of this rule is to promote maritime safety, and to protect mariners transiting the area from the potential hazards associated with a fireworks display. The rule is needed to

control movement in a portion of the waterway that is expected to be populated by spectators seeking to view the fireworks display and mariners operating unknowingly too close to the fireworks discharge site.

#### Discussion of Rule

During the 2008 Major League Baseball season, the Washington Nationals will sponsor a series of scheduled fireworks displays launched from the shoreline along the Anacostia River near the Washington Nationals Ballpark, in southeast Washington, DC. The planned events include a test launch of the aerial fireworks display during the "seventh inning stretch" and a five-minute aerial fireworks display launched at the conclusion of the baseball game. Due to the need for vessel control during the fireworks display, vessel traffic will be restricted to provide for the safety of spectators and transiting vessels.

The Captain of the Port Baltimore, Maryland is establishing a safety zone that will be enforced during scheduled fireworks displays held over the Anacostia River, near the Washington Nationals Ballpark, in Washington, DC. This rule establishes a safety zone on the waters of the Anacostia River, within a radius of 350 feet around a fireworks discharge site, located at position latitude 38°52'18" N, longitude 077°00'20" W. The rule will impact the movement of all vessels operating in a specified area of the Anacostia River, from 7:30 p.m. through 11:30 p.m. on the following dates: April 25, 2008; May 2, 2008; May 9, 2008; May 23, 2008; June 6, 2008; June 20, 2008; June 27, 2008; July 11, 2008; August 1, 2008; August 15, 2008; August 29, 2008; and September 19, 2008.

#### Regulatory Evaluation

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. There is little commercial vessel traffic during the enforcement periods. Because the safety zone lies entirely outside the federal navigation channel, vessel operators may transit safely around the zone.

#### 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. This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to operate, remain or anchor within certain waters of the Anacostia River, in Washington, DC, from 7:30 p.m. through 11:30 p.m. on April 25, 2008; May 2, 2008; May 9, 2008; May 23, 2008; June 6, 2008; June 20, 2008; June 27, 2008; July 11, 2008; August 1, 2008; August 15, 2008; August 29, 2008; and September 19, 2008. Because the zone is of limited size and duration, it is expected that there will be minimal disruption to the maritime community. Before the effective period, the Coast Guard will issue maritime advisories widely available to users of the river to allow mariners to make alternative plans for transiting the affected area. In addition, smaller vessels not constrained by their draft, which are more likely to be small entities, may transit around the safety zone.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can 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 Commandant Instruction M16475.ID which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded 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)(g.), of the Instruction, from further environmental documentation. The rule establishes a temporary safety zone.

A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" will be available in the docket where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–0338 to read as follows:

#### § 165.T05–0338 Safety zone; Fireworks Displays, Anacostia River, Washington, DC

(a) Definitions. For the purposes of this section, *Captain of the Port, Baltimore, Maryland* means the Commander, Coast Guard Sector Baltimore or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Baltimore, Maryland to act on his or her behalf.

(b) Location. The following area is a safety zone: all waters of the Anacostia River, surface to bottom, within a radius of 350 feet around a fireworks discharge site which will be located at position latitude 38°52'18" N, longitude 077°00'20" W. All coordinates reference North American Datum 1983.

(c) Regulations:

(1) The general regulations governing safety zones, found in Sec. 165.23, apply to the safety zone described in paragraph (b) of this section.

(2) Entry into or remaining in this zone is prohibited, unless authorized by the Captain of the Port, Baltimore, Maryland.

(3) Persons or vessels requiring entry into or passage through the moving safety zone must first request authorization from the Captain of the Port, Baltimore, Maryland to seek permission to transit the area. The Captain of the Port, Baltimore, Maryland can be contacted at telephone number (410) 576–2693. The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF Channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the person or vessel shall proceed as directed. If permission is granted, all persons or vessels must comply with the instructions of the Captain of the Port, Baltimore, Maryland, and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(d) Enforcement. The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State and local agencies.

(e) Enforcement periods. This section will be enforced from 7:30 p.m. through

11:30 p.m. on April 25, 2008; May 2, 2008; May 9, 2008; May 23, 2008; June 6, 2008; June 20, 2008; June 27, 2008; July 11, 2008; August 1, 2008; August 15, 2008; August 29, 2008; and September 19, 2008.

Dated: April 25, 2008.

**Brian D. Kelley,**

*Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.*

[FR Doc. E8–10536 Filed 5–12–08; 8:45 am]

BILLING CODE 4910–15–P

### DEPARTMENT OF VETERANS AFFAIRS

#### 38 CFR Part 38

RIN 2900–AM93

#### Graves Marked With a Private Headstone or Marker

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is amending its regulations regarding the authority to provide a Government-furnished headstone or marker for placement on already marked graves of eligible veterans in private cemeteries. Pursuant to section 203 of the Dr. James Allen Veteran Vision Equity Act of 2007, Congress has authorized VA to make this provision permanent and retroactive to November 1, 1990. This final rule is necessary to incorporate a statutory amendment into VA regulations.

**DATES:** *Effective Date:* May 13, 2008.

*Applicability Date:* The amendment to 38 CFR 38.631 applies to eligible veteran deaths occurring on or after November 1, 1990.

#### FOR FURTHER INFORMATION CONTACT:

Lindee Lenox (41A1), Director of Memorial Programs Service (MPS), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Telephone: (202) 501–3060 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** VA's National Cemetery Administration (NCA) is responsible for administering VA's headstone and marker program. Since the transfer of the program to VA from the Department of the Army in 1973, VA has furnished more than 9.8 million headstones and markers. In fiscal year 2007, NCA furnished 361,115 markers for eligible veterans' graves located around the world. The original purpose of the program, which began during the Civil War, was based on the principle that no veteran should lie in an unmarked grave. From October 18,