

*Regulatory Flexibility Act/Executive Order 13272: Small Business*

Since this rulemaking is exempt from 5 U.S.C. 553, and no other law requires the Department to give notice of proposed rulemaking, this rulemaking also is not subject to the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) and Executive Order 13272, section 3(b).

*Executive Order 12866, as Amended*

The Department of State does not consider this Final Rule to be a "significant regulatory action" under Executive Order 12866, as amended, § 3(f), Regulatory Planning and Review. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the Proposed Rule to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

*Executive Order 12988*

The Department has reviewed this Final Rule in light of §§ 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

*Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by State, local, or tribal governments, or by the private sector. This Final Rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

*Executive Orders 12372 and 13132*

This Final Rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

*Paperwork Reduction Act*

This Interim Final Rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

**List of Subjects in 22 CFR Part 62**

Cultural exchange programs, reporting and recordkeeping requirements.

■ Accordingly, 22 CFR Part 62 is revised to read as follows:

**PART 62—EXCHANGE VISITOR PROGRAM**

■ 1. The authority citation for part 62 is revised to read as follows:

**Authority:** 8 U.S.C. 1101(a)(15)(J), 1182, 1184, 1258; 22 U.S.C. 1431–1442, 2451 *et seq.*; Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. 105–277, Div. G, 112 Stat. 2681 *et seq.*; Reorganization Plan No. 2 of 1977, 3 CFR, 1977 Comp. p. 200; E.O. 12048 of March 27, 1978; 3 CFR, 1978 Comp. p. 168; the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. 104–208, Div. C, 110 Stat. 3009–546, as amended; Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), Pub. L. 107–56, Sec. 416, 115 Stat. 354; and the Enhanced Border Security and Visa Entry Reform Act of 2002, Pub. L. 107–173, 116 Stat. 543.

■ 2. Section 62.31 is amended by revising paragraph (p) to read as follows:

**§ 62.31 Au pairs.**

\* \* \* \* \*

(p) *Repeat Participation.* A foreign national who enters the United States as an au pair Exchange Visitor Program participant and who has successfully completed his or her program is eligible to participate again as an au pair participant, provided that he or she has resided outside the United States for at least two years following completion of his or her initial au pair program.

Dated: June 5, 2008.

**Stanley S. Colvin,**

*Director, Office of Exchange Coordination and Designation, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. E8–13796 Filed 6–18–08; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 706**

**Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS NASHVILLE (LPD 13) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This rule is effective June 19, 2008 and is applicable beginning 11 June 2008.

**FOR FURTHER INFORMATION CONTACT:** Commander M. Robb Hyde, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone: 202–685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706.

This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS NASHVILLE (LPD 13) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I paragraph 2(a)(i), pertaining to the height of the masthead light; Annex I paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 2(g), pertaining to the distance of the sidelights above the hull. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the Code of Federal Regulations as follows:

**PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

■ 1. The authority citation for part 706 continues to read:

**Authority:** 33 U.S.C. 1605.

■ 2. Table one of § 706.2 is amended by adding, in numerical order, the following entry for USS NASHVILLE (LPD 13):

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE ONE

| Vessel              | Number      | Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I |
|---------------------|-------------|---|
| USS NASHVILLE ..... | LPD 13 .... | 4.38  |

■ 3. Table Four, Paragraph 19 of § 706.2, is amended by adding the following

entry for USS NASHVILLE (LPD 13), to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

| Vessel              | Number      | Distance in meters of sidelights above maximum allowed height |
|---------------------|-------------|---|
| USS NASHVILLE ..... | LPD 13 .... | 5.37  |

■ 4. Table Five of § 706.2 is amended by revising the following entry for USS

NASHVILLE (LPD 13), to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE FIVE

| Vessel              | Number | Masthead lights not over all other lights and obstructions. annex I, sec. 2(f) | Forward mast-head light not in forward quarter of ship. annex I, sec. 3(a) | After mast-head light less than 1/2 ship's length aft of forward mast-head light. annex I, sec. 3(a) | Percentage horizontal separation attained |
|---------------------|--------|--|--|--|---|
| USS NASHVILLE ..... | LPD 13 | —  | N/A  | X  | 54.7                                      |

Approved: June 11, 2008.

**M. Robb Hyde,**

*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG-2008-0523]

#### Drawbridge Operating Regulations; Sabine Lake, Port Arthur, TX

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the State Route 82 (SR 82) swing span bridge across Sabine Lake at mile 9.5 between Cameron Parish, Louisiana and Jefferson County, Texas. This deviation provides for the bridge to remain closed to navigation for 19 consecutive days to reverse the direction of the swing span to facilitate construction of a new replacement bridge adjacent to the existing swing span bridge.

**DATES:** This deviation is effective from 5 a.m. on Monday, July 7, 2008 until 5 a.m. on Saturday, July 26, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0523 and are 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 office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, Room 1313, 500 Poydras Street, New Orleans, Louisiana 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Phil Johnson, Bridge Administration Branch, telephone (504) 671-2128.

**SUPPLEMENTARY INFORMATION:** The Texas Department of Transportation (TXDOT) has requested a temporary deviation in order to reverse the direction of the swing span of the SR 82 Bridge across

Sabine Lake at mile 9.5 between Cameron Parish, Louisiana and Jefferson County, Texas. This procedure is necessary to prevent the swing span from conflicting with the footings and columns being placed for the new replacement bridge, currently under construction. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 5 a.m. on Monday, July 7, 2008 until 5 a.m. on Saturday, July 26, 2008. During the closure period, the draw will not be able to open for emergencies. Currently, the draw opens on signal; except that, from 9 p.m. to 5 a.m., the draw opens on signal if at least six hours notice is given to the Maintenance Construction Supervisor at Port Arthur.

Navigation on the waterway consists of tugs with tows and recreational powerboats and sailboats. The bridge provides 9 feet of vertical clearance in the closed-to-navigation position. Thus, smaller recreational vessels will be able to transit through the bridge when it is closed. Tugs with tows and sailboats will not be able to pass through the bridge during this closure. An alternate route is available through the north passage into Sabine Lake from Sabine Neches Canal by Stewts Island. Due to the availability of an alternate route, it has been determined that this closure will not have a significant effect on these vessels. This closure is considered necessary for placement of the new bridge pier footers, while allowing future operation of the swing span during subsequent phases of construction.

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: June 10, 2008.

**David M. Frank,**

*Bridge Administrator.*

[FR Doc. E8-13865 Filed 6-18-08; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG-2008-0486]

#### Drawbridge Operation Regulations; Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, Hempstead, NY, Public Event

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Meadowbrook State Parkway Bridge across Sloop Channel at mile 12.8, at Hempstead, New York. Under this temporary deviation the bridge may remain in the closed position for 2½ hours to facilitate public safety during a public event, the Veterans Fireworks Display.

**DATES:** This deviation is effective from 9:30 p.m. through 11:59 p.m. on June 28, 2008 and in the case of rain, from 9:30 p.m. to 11:59 p.m. on June 29, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0486 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 First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7165.

**SUPPLEMENTARY INFORMATION:** The Meadowbrook State Parkway Bridge has a vertical clearance in the closed position of 22 feet at mean high water and 25 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR § 117.799(h)(2).

The waterway has seasonal recreational vessels and fishing vessels of various sizes.