

## DEPARTMENT OF LABOR

## Mine Safety and Health Administration

## 30 CFR Part 18

RIN 1219-AA75

**Electric Motor-Driven Mine Equipment and Accessories and High-Voltage Longwall Equipment Standards for Underground Coal Mines**

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Final rule, corrections.

**SUMMARY:** This document contains two technical corrections to the final rule published in the **Federal Register** on March 11, 2002 (67 FR 10972). The final rule mandated electrical safety standards for the installation, use, and maintenance of high-voltage longwall mining systems used in underground coal mines. The final rule also included design approval requirements for high-voltage equipment operated in longwall face areas of underground mines. These provisions allow the use of high-voltage longwall face equipment with enhanced safety protection from fire, explosion, and shock hazards. The formula in paragraph 18.53(o)(1) contained two typographical errors. This document corrects those errors.

**EFFECTIVE DATE:** These corrections are effective November 23, 2004.

**FOR FURTHER INFORMATION CONTACT:** Marvin W. Nichols, Jr., Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939. Mr. Nichols can be reached at *nichols.marvin@dol.gov* (Internet E-mail), (202) 693-9440 (voice), or (202) 693-9441 (facsimile). You may obtain copies of this correction notice in a large print format by calling (202) 693-9440. The document also is available on the Internet at *http://www.msha.gov/REGSFINL.HTM*.

**SUPPLEMENTARY INFORMATION:** MSHA published a final rule in the **Federal Register** on March 11, 2002 (67 FR 10972) that mandated electrical safety standards for the installation, use, and maintenance of high-voltage longwall

mining systems used in underground coal mines. The final rule also included design approval requirements for high-voltage equipment operated in longwall face areas of underground mines. These provisions allow the use of high-voltage longwall face equipment with enhanced safety protection from fire, explosion, and shock hazards.

These technical corrections are to two typographical errors contained in the formula in paragraphs 18.53(o)(1)(i) and (ii) found at the top of page 11001 (67 FR). The second closed parenthesis should be placed after the (C) and not the (t) in the numerator of paragraphs (o)(1)(i) and (o)(1)(ii). Discussion of the formula requirements can be found in the final rule for Electric Motor-Driven Mine Equipment and Accessories and High-Voltage Longwall Equipment Standards for Underground Coal Mines; Final Rule (67 FR 10972, 10979). That rule can be found on MSHA's Web site at: *http://www.msha.gov/REGS/FEDREG/FINAL/2002finl/02-4863.pdf*.

**Procedural Requirements**

Correcting these inadvertent errors in the final rule is not an action to which the procedural requirements of 5 U.S.C. 553, or the various statutes and executive orders relating to rulemaking, apply. However, if these corrections were deemed a rule, 5 U.S.C. 553(b)(B) permits an agency to issue a final rule without notice and comment procedures when it finds that notice and comment procedures would be impracticable, unnecessary, and contrary to the public interest. MSHA finds that providing notice and comment procedures on this action is unnecessary and contrary to the public interest. MSHA is merely correcting typographical errors to a formula. Without these corrections, the formula is unusable as codified. Further, the public was advised of MSHA's intention regarding the formula in paragraph 18.53(o)(1) in the preamble to the final rule and this action does not change that intention. Consequently, MSHA finds good cause not to provide notice and comment procedures for this action.

In addition, 5 U.S.C. 553(d)(3) allows an agency, upon a finding of good cause, to make a rule effective immediately.

Because MSHA is only correcting typographical errors in the formula and these changes do not add any requirements necessitating additional time for compliance, MSHA finds good cause to make this action effective immediately.

The final rule published on March 11, 2002, contained information collection provisions that require an OMB Control Number. OMB has approved the information collection requirements and assigned OMB Control Number 1219-0065 to the information collection requirements of the final rule. This notice does not change these requirements. These corrections contain no additional information collection requirements.

In addition, this action is not a "significant regulatory action" within the meaning of Executive Order 12866. Furthermore, this action is not a "major rule" within the meaning of the Small Business Regulatory Enforcement Act, or an "unfunded mandate" within the meaning of Title II of the Unfunded Mandates Reform Act of 1995. Finally, the action will not have Federalism implications within the meaning of Executive Order 13132, and a regulatory flexibility analysis is not required by the Regulatory Flexibility Act.

**List of Subjects in 30 CFR Part 18**

Electric Motor Driven Mine Equipment and Accessories.

■ For the reasons set out in the preamble, chapter I of title 30 of the Code of Federal Regulations is amended as follows:

**PART 18—ELECTRIC MOTOR DRIVEN MINE EQUIPMENT AND ACCESSORIES**

■ 1. The authority citation for Part 18 continues to read as follows:

**Authority:** 30 U.S.C. 957 and 961.

■ 2. Section 18.53 is amended by revising the formulas in paragraphs (o)(1)(i) and (o)(1)(ii) to read as follows:

**§ 18.53 High-voltage longwall mining systems.**

\* \* \* \* \*

(o) \* \* \*

(1)(i) Steel Wall/Cover:

$$MFD = 2.296 \times 10^{-6} \frac{(35 + 105 (C)) (I_{sc}) (t)}{(C) (d)} - \frac{d}{2}$$

$$MFD = 1.032 \times 10^{-5} \frac{(35 + 105 (C)) (I_{sc}) (t)}{(C) (d)} - \frac{d}{2}$$

\* \* \* \* \*

Signed at Arlington, VA, this 17th day of November 2004.

**David D. Lauriski,**

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 04-25891 Filed 11-22-04; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-04-144]

#### Drawbridge Operation Regulations: Hackensack River, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations and request for comment.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the AMTRAK Portal Bridge, mile 5.0, across the Hackensack River at Little Snake Hill, New Jersey. Under this temporary 90-day deviation the two time periods in the morning and afternoon, Monday through Friday, when the bridge may remain closed to vessel traffic, will be expanded. The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comment from the public.

**DATES:** This deviation is effective from December 13, 2004 through March 12, 2005. Comments must reach the Coast Guard on or before April 12, 2005.

**ADDRESSES:** You may mail comments to Commander (obr), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York, 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668-7165. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

### Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-04-144), 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 if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

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

**SUPPLEMENTARY INFORMATION:** The AMTRAK Portal Bridge has a vertical clearance in the closed position of 23 feet at mean high water and 28 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR § 117.723(c).

The bridge owner, National Railroad Passenger Corporation (AMTRAK) requested a temporary deviation from the drawbridge operation regulations to test for a period of 90 days, an alternate drawbridge operation schedule. This temporary 90-day deviation will expand the two time periods in the morning and afternoon Monday through Friday when the bridge may remain closed to vessel traffic.

Rail traffic during the morning and afternoon commuter periods have increased. Additionally, bridge openings during the two commuter time periods have caused delays to rail traffic prompting the bridge owner to request the expansion of the bridge closure periods during week days.

The existing drawbridge operation regulations allow the bridge to remain closed to vessel traffic, Monday through Friday, from 7:20 a.m. to 9:20 a.m. and from 4:30 p.m. to 6:50 p.m., daily.

Under this 90-day temporary deviation, effective from December 13, 2004 through March 12, 2005, the AMTRAK Portal Bridge need not open for vessel traffic, Monday through Friday, from 6 a.m. to 10 a.m. and from 4 p.m. to 8 p.m., daily.

Additional bridge openings shall be provided for commercial vessels from 6 a.m. to 7:20 a.m., from 9:20 a.m. to 10 a.m., from 4 p.m. to 4:30 p.m. and from 6:50 p.m. to 8 p.m., if at least a one-hour advance notice is given by calling the number posted at the bridge.

This deviation from the operating regulations is authorized under 33 CFR 117.43.

Dated: November 9, 2004.

**John L. Grenier,**

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

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-04-145]

#### Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and Their Tributaries, NY

**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 drawbridge operation regulations for the Metropolitan Avenue Bridge, mile 3.4, across English Kills at New York City, New York. Under this temporary deviation the bridge may remain closed from 6 a.m. to midnight on the following days: December 6 through December 8; December 15 through December 17; and December 20 through December 22, 2004. The temporary deviation is necessary to facilitate bridge maintenance.

**DATES:** This deviation is effective from December 6, 2004 through December 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Metropolitan Avenue Bridge has a vertical clearance in the closed position of 10 feet at mean high water and 15 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.801(e).

The owner of the bridge, New York City Department of Transportation (NYCDOT), requested a temporary deviation from the drawbridge operation regulations to facilitate rehabilitation repairs at the bridge. The bridge must remain in the closed position to perform these repairs.

Under this temporary deviation the NYCDOT Metropolitan Avenue Bridge may remain in the closed position from 6 a.m. through midnight on the following days: December 6 through December 8; December 15 through