

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****30 CFR Part 57**

RIN 1219-AB29

**Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners**

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

**ACTION:** Final rule; corrections.

**SUMMARY:** This document contains corrections to the preamble and rule text of the final rule that was published in the **Federal Register** on Monday, June 6, 2005 (70 FR 32868). The rule relates to diesel particulate matter exposure of underground metal and nonmetal miners.

**DATES:** Effective July 6, 2005.

**FOR FURTHER INFORMATION CONTACT:** Rebecca J. Smith, Acting Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Blvd., Room 2350, Arlington, Virginia 22209-3939; 202-693-9440 (telephone); or 202-693-9441 (facsimile).

The document is available on the Internet at <http://www.msha.gov/REGSINFO.HTM>.

**SUPPLEMENTARY INFORMATION:** As published, the preamble and rule text contain errors which may be misleading and need to be corrected.

Accordingly, the preamble is corrected as follows:

1. On page 32889, in the first column, on the last line of the first paragraph, the **Federal Register** cite should be changed from (66 FR 5765-55767) to (66 FR 5765-5767).

2. On page 32929, in the third column, in the second full paragraph, on the eighteenth line, the word "insure" should be changed to "ensure" so that the sentence reads, "NIOSH's written response to MSHA \* \* \* prior to selection and installation of DPM filter systems to ensure a successful match between filter and application."

3. On page 32935, in the first column, in the first full paragraph, on the seventh line, the measurement "5 dpm" should be replaced by "5 ppm" so that the sentence reads, "Per company policy, whenever an NO<sub>2</sub> monitor (carried by equipment operators) exceeded 5 ppm at the operator's location, that operator was removed to the surface.

■ In addition, the rule text is corrected as follows:

**§ 57.5066 [Corrected]**

■ 1. On page 32967, in the second column, on the first line, place quotation marks before and after the word "evidence" in § 57.5066, paragraph (b)(1), so that the sentence reads, "The term "evidence" means \* \* \*."

■ 2. On page 32967, in the second column, in the second paragraph, in the second sentence, place quotation marks before and after the word "promptly" in § 57.5066, paragraph (b)(2), so that the sentence reads, "The term "promptly" means \* \* \*."

Dated: June 23, 2005.

**David G. Dye,**

*Deputy Assistant Secretary for Mine Safety and Health.*

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[CGD08-05-001]

RIN 1625-AA09

**Drawbridge Operation Regulation; Bayou La Batre, Bayou La Batre, AL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the regulation governing the operation of the State Highway 188 vertical lift span bridge, across Bayou La Batre, mile 2.3, at Bayou La Batre, Alabama. This rule will allow the draw of the bridge to open on the hour during the predominant daylight hours, remain closed except for emergencies at night and remain closed to navigation at specific vehicular peak rush hour periods. This rule will allow for better coordination and facilitate movement of both vehicular and marine traffic at the bridge site due to an increase in commuter traffic Monday thru Friday.

**DATES:** This rule is effective August 1, 2005.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD08-05-001] and are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, 501 Magazine Street, New Orleans, Louisiana 70130-3396, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The Bridge

Administration Branch maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cindy Herrmann, Bridge Administration Branch, at (504) 589-2965.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

On March 1, 2005, we published a notice of proposed rulemaking (NPRM) entitled, "Drawbridge Operation Regulation; Bayou La Batre, Bayou La Batre, AL," in the **Federal Register** (70 FR 3919). No comments were received regarding the proposed rule. No public meeting was requested, and none was held.

**Background and Purpose**

The U.S. Coast Guard, at t)097he request of the Alabama Department of Transportation and supported by the Mayor of the City of Bayou La Batre and the Mobile County Public School System, is changing the times of the existing drawbridge operation regulation. Currently, the bridge opens on signal except that the draw need not be opened from 8 p.m. to 4 a.m. daily, and from 6:30 to 8:30 a.m. and from 2 p.m. to 5 p.m. Monday through Saturday except holidays.

In an effort to assess and accurately determine the needs of the community, traffic counts and bridge tender logs were supplied by Alabama Department of Transportation. A review of the logs of drawbridge openings and traffic counts reveal that adjusting the marine traffic closures to coordinate with vehicular rush hour traffic should not significantly impact the flow of marine traffic. Allowing the bridge to remain closed to marine traffic during times that coincide with the heaviest vehicular traffic counts would help relieve the morning and afternoon rush hour commuter traffic congestion across the bridge while having minimal impact on vessel traffic.

Navigation at the site of the bridge consists primarily of recreational pleasure craft, fishing vessels, crew boats and tugboats with barges. Alternate routes are not available to marine traffic.

**Discussion of Comments and Changes**

No comments were received in response to the NPRM Public Notice 04-05 dated March 2, 2005.

**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