

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****30 CFR Parts 18 and 75**

RIN 1219-AB34

**High-Voltage Continuous Mining Machine Standard for Underground Coal Mines***Correction*

In rule document 2010-7309 beginning on page 17529 in the issue of Tuesday, April 6, 2010, make the following correction:

**PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES****Appendix I to Subpart D [Corrected]**

On page 17549, in Appendix I to Subpart D, in the table titled Table 10—HIGH VOLTAGE TRAILING CABLE AMPACITIES AND OUTSIDE DIAMETERS, the first footnote should read as set forth below:

\*These ampacities are based on single isolated conductor in air, operated with open-circuited shield for a 90 °C conductor temperature and an ambient temperature of 40 °C.

[FR Doc. C1-2010-7309 Filed 4-21-10; 8:45 am]

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

[Docket No. USCG-2010-0199]

**Drawbridge Operation Regulations; Passaic River, Clifton, NJ, Maintenance****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 Route 3 Bridge across the Passaic River, mile 11.8, at Clifton, New Jersey. This deviation allows the bridge to remain in the closed position to protect public safety during bridge maintenance.

**DATES:** This deviation is effective from May 1, 2010 through October 27, 2010.**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2010-0199 and are available online at <http://www.regulations.gov>, inserting

USCG-2010-0199 in the “Keyword” and then clicking “Search”. They are 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 Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 668-7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Route 3 Bridge has a vertical clearance of 35 feet at mean high water, and 40 feet at mean low water in the closed position. The existing drawbridge operating regulations listed at 33 CFR 117.739(n), require the bridge to open on signal after at least a 24 hour advance notice is given by calling the number posted at the bridge.

The Route 3 Bridge is in poor condition and will be replaced as soon as possible with a new fixed highway bridge on a different alignment. Because the Route 3 Bridge is in poor condition and poses a hazard to public safety, maintenance must be performed before it is replaced.

A submarine utility communication cable is presently located on the proposed alignment of the new replacement bridge and will need to be temporarily relocated during the construction of the new Route 3 highway bridge.

The best alternative and least disruptive impact to the environment is to temporarily relocate the communication cable to the underside of the existing Route 3 Bridge. As a result of that temporary installation of the communication cable the existing Route 3 Bridge will not be able to be opened for vessel traffic.

The route 3 Bridge has not received a request to open since 1998.

Once the new bridge construction is completed and the new bridge is opened for vehicular traffic the old existing Route 3 Bridge will be removed.

Vessels able to pass under the closed draw may do so at any time. Waterway users were advised of the requested bridge closure and offered no objection.

In accordance with 33 CFR 117.35(e), the bridge 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: April 13, 2010.

**Gary Kassof,***Bridge Program Manager, First Coast Guard District.*

[FR Doc. 2010-9335 Filed 4-21-10; 8:45 am]

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

[Docket No. USCG-2010-0247]

**Drawbridge Operation Regulations; Duluth Ship Canal, Duluth, MN****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of temporary deviation from regulations; request for comments.

**SUMMARY:** Commander, Ninth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Duluth Aerial Bridge across the Duluth Ship Canal, mile 0.25, at Duluth, MN. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed. The deviation will allow scheduled openings on the hour and half-hour for vessels under 300 gross tons from May 3 to October 29, 2010, between the hours of 6 a.m. and 9 p.m., seven days per week. The bridge will open on signal for all vessels from 9 p.m. to 6 a.m., and at all times for Federal, state, and local government vessels used for public safety, vessels in distress, commercial vessels engaged in rescue or emergency salvage operations, vessels engaged in pilot duties, vessels seeking shelter from severe weather, and all commercial vessels 300 gross tons or greater.

**DATES:** This deviation is effective from 6 a.m. on May 3, 2010 through 9 p.m. on October 29, 2010. Comments and related material must be received by the Coast Guard by October 31, 2010.

**ADDRESSES:** You may submit comments identified by docket number USCG-2010-0247 using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District Bridge Branch; telephone: 216-902-6085, e-mail: [lee.d.soule@uscg.mil](mailto:lee.d.soule@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### **SUPPLEMENTARY INFORMATION:**

#### **Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

#### **Submitting Comments**

If you submit a comment, please include the docket number for this rulemaking (USCG-2010-0247), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online to (<http://www.regulations.gov>), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2010-0247," click "Search," and then click on the balloon shape in the "Actions"

column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

#### **Viewing Comments and Documents**

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2010-0247" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

#### **Privacy Act**

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

#### **Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for one on or before October 31, 2010 using one of the four methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

#### **Background and Purpose**

The Duluth Aerial Bridge at mile 0.25 over the Duluth Ship Canal has a vertical clearance of 15 feet in the closed position and a vertical clearance of 141 feet in the opened position. The normal operating schedule as outlined in 33 CFR 117.661 requires the bridge to open on signal for all vessels, 24 hours, 7 days a week, between March 16 and December 31 each year. The scheduled

drawbridge openings were requested to improve the flow of vehicular traffic over the bridge, relieve vehicular traffic congestion near the bridge and on city streets on both sides of the bridge, improve access and response times for emergency response vehicles, and enhance pedestrian safety during the peak navigation and tourist season (May 1 to October 31). The bridge, and roadway, provides the only access and evacuation route across the Ship Canal to Minnesota Point. The City of Duluth has stated that approximately 4,250 vehicles cross the bridge daily during the winter months and approximately 15,000 vehicles cross the bridge daily during the peak tourist season, with very heavy pedestrian traffic on both sides of the bridge. Vessel traffic on this waterway consists of recreational vessels, small commercial vessels, and larger commercial vessels. An estimated average of 86 vessels under 300 gross tons, and 7 vessels 300 gross tons and over, pass the bridge each day between May 1 and October 31 each year, with an average of 27 bridge openings per day during the same period.

Commander, Ninth Coast Guard District, has approved the temporary deviation to the existing drawbridge regulations for the 2010 navigation and tourist season in order to test the proposed schedule and its effectiveness for all vessel, vehicular, and pedestrian traffic at the crossing. The temporary drawbridge schedule is expected to provide for the reasonable needs of all modes of transportation, and the reasonable needs of navigation by providing two scheduled bridge openings per hour for recreational vessels and all vessels under 300 gross tons, as well as occasional unscheduled openings when larger commercial vessels are passed. Vessels may also gain access to Duluth Harbor at all times through Superior Harbor, WI.

#### **Temporary Drawbridge Schedule**

From May 3 to October 29, 2010, between the hours of 6 a.m. and 9 p.m., seven days per week, the drawbridge will open on the hour and half-hour for vessels under 300 gross tons, if needed. The bridge will open on signal for all vessels from 9 p.m. to 6 a.m., and at all times for Federal, state, and local government vessels used for public safety, vessels in distress, commercial vessels engaged in rescue or emergency salvage operations, vessels engaged in pilot duties, vessels seeking shelter from severe weather, and all commercial vessels 300 gross tons or greater.

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: April 13, 2010.

**Peter V. Neffenger,**

*Rear Admiral, U.S. Coast Guard, Commander,  
Ninth Coast Guard District.*

[FR Doc. 2010-9337 Filed 4-21-10; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0116]

RIN 1625-AA00

#### Safety Zone; Lake Havasu Grand Prix, Lake Havasu, AZ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone upon the navigable waters of Lake Havasu on the Colorado River in Lake Havasu City, Arizona for the Lake Havasu Grand Prix. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from 8 a.m. through 5 p.m. on April 25, 2010.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0116 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0116 in the "Keyword" box, and then clicking "Search." They are 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 temporary rule, call or e-mail Petty Officer Shane Jackson, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619-278-7267, e-mail [Shane.E.Jackson@uscg.mil](mailto:Shane.E.Jackson@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

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule, as it would be impracticable, because the logistical details of the event were not finalized nor presented to the Coast Guard in enough time to draft and publish an NPRM. As such, the event would occur before the rulemaking process was complete.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay in the effective date of this rule would expose mariners to the dangers posed by the event.

##### Background and Purpose

This temporary safety zone is being established in support of the Lake Havasu Grand Prix, a marine event that includes participating vessels racing along an established and marked course on Lake Havasu, AZ. This temporary safety zone is necessary to provide for the safety of the crews, spectators, and participants of the race and is also necessary to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

##### Discussion of Rule

The Coast Guard is establishing a safety zone that will be enforced from 8 a.m. to 5 p.m. on April 25, 2010. This safety zone is necessary to provide for the safety of the crews, spectators, and participants of the Lake Havasu Grand Prix and to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative. The limits

of this temporary safety zone are the boundaries described below:

Boundary One 34°27.66' N, 114°20.90' W to 34°27.79' N, 114°20.58' W;  
Boundary Two 34°27.18' N, 114°21.00' W to 34°26.86' N, 114°20.95' W;  
Boundary Three 34°26.67' N, 114°20.24' to 34°25.88' N, 114°19.17' W;  
Boundary Four 34°25.89' N, 114°19.02' W to 34°26.29' N, 114°18.83' W.

##### Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

##### Regulatory Planning and Review

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.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size and location of the safety zone. The safety zone is of a limited duration, only nine hours for a period of one day, and is limited to a relatively small geographic area. Persons or vessels may transit the area with the permission of the Captain of the Port or his designated representative.

##### 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.

The safety zone will affect the following entities some of which may be small entities: The owners and operators of pleasure craft engaged in recreational activities and sightseeing. This safety zone will not have a significant economic impact on a substantial number of small entities for several reasons: Vessel traffic can pass safely around the area, vessels engaged in