

requires each Federal agency to assess the effects of Federal regulatory actions on state, local, and tribal governments and the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute, and to determine if the rule might significantly or uniquely affect small governments. MSHA has concluded that small governmental entities are not significantly or uniquely impacted by this regulation. The final rule will impact about 10,800 metal and nonmetal mining operations of which about 400 sand and gravel or crushed stone operations are run by state, local, or tribal governments for the construction and repair of highways and roads. These entities may incur some additional costs to comply with the final rule. These costs, however, would be minimal and offset by the flexibility provided in the final rule. Notwithstanding this conclusion, MSHA will mail a copy of the final rule to these 400 entities.

List of Subjects in 30 CFR Parts 56 and 57

Emergency medical services, Metal and nonmetal mines, Mine safety and health.

Dated: September 18, 1996.

J. Davitt McAteer,

*Assistant Secretary for Mine Safety and Health.*

Parts 56 and 57, subchapter N, chapter I, title 30 of the Code of Federal Regulations are amended as follows:

#### **PART 56—[AMENDED]**

1. The authority citation for part 56 continues to read as follows:

Authority: 30 U.S.C. 811.

2. Section 56.18010 is revised to read as follows:

#### **§ 56.18010 First aid.**

An individual capable of providing first aid shall be available on all shifts. The individual shall be currently trained and have the skills to perform patient assessment and artificial respiration; control bleeding; and treat shock, wounds, burns, and musculoskeletal injuries. First aid training shall be made available to all interested miners.

#### **PART 57—[AMENDED]**

3. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

4. Section 57.18010 is revised to read as follows:

#### **§ 57.18010 First aid.**

An individual capable of providing first aid shall be available on all shifts. The individual shall be currently trained and have the skills to perform patient assessment and artificial respiration; control bleeding; and treat shock, wounds, burns, and musculoskeletal injuries. First aid training shall be made available to all interested miners.

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### **DEPARTMENT OF TRANSPORTATION**

#### **Coast Guard**

#### **33 CFR Part 100**

[CGD 05-96-042]

RIN 2115-AA97

#### **Special Local Regulations for Marine Events; 18th Annual Wilmington Family YMCA-PHP Triathlon, Wrightsville Channel, Wrightsville Beach, NC**

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

**SUMMARY:** This notice implements the regulations for the swim portion of the 18th Annual Wilmington YMCA-Physicians Health Plan Triathlon, to be held in Wrightsville Channel between daybeacon 18 (LLNR 28050) and daybeacon 23 (LLNR 28065). These Special Local Regulations are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway. The effect will be to restrict vessel traffic within the regulated area for the safety of the participants in the event.

**EFFECTIVE DATES:** 33 CFR 100.513 is effective from 6 a.m. to 9:45 a.m., September 29, 1996.

#### **FOR FURTHER INFORMATION CONTACT:**

QMC C. Bush, marine events coordinator, Commander, Coast Guard Group Fort Macon, PO Box 237, Atlantic Beach, NC 28512-0237, (919) 247-4554.

**DISCUSSION OF REGULATIONS:** The Wilmington Family YMCA will hold the swim portion of the 18th Annual Wilmington Family YMCA-Physicians Health Plan Triathlon at Wrightsville Beach, North Carolina. The event will consist of approximately 700 swimmers racing in a section of Wrightsville Channel between Wrightsville Channel daybeacon 18 (LLNR 28050) and Wrightsville Channel daybeacon 23 (LLNR 28065). Therefore, to ensure the safety of the swimmers, 33 CFR 100.513

will be in effect for the duration of the event. Under provisions of 33 CFR 100.513, a vessel may not enter the area between daybeacons 14 and 25 without permission from the Coast Guard patrol commander. Since the waterway will not be closed for an extended period, commercial traffic should not be severely disrupted.

Dated: June 24, 1996.

Kent H. Williams,

*Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

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#### **33 CFR Part 165**

[COTP Charleston 96-052]

RIN 2115-AA97

#### **Safety Zone Regulations; Back River and Foster Creek; Charleston, SC**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the U.S. Border Patrol Training Academy Small Arms Range at the Charleston Naval Weapons Station. The safety zone will become effective at 6 a.m. Eastern Daylight Time (EDT) on September 1, 1996 and will terminate at 12 a.m. Eastern Standard Time (EST) on December 1, 1996. This safety zone is needed to protect vessels and personnel from safety hazards associated with small arms fire.

**EFFECTIVE DATES:** The regulation is effective at 6 a.m. EDT on September 1, 1996 and will terminate at 12 a.m. EST on December 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Jeffrey T. Carter, Coast Guard Marine Safety Office Charleston, at (803) 720-7701, between the hours of 7:30 a.m. and 4 p.m. EDT, Monday through Friday, except federal holidays.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 533, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The information to commence firing at the small arms range was not received with sufficient time to publish proposed rules prior to the event or to provide for a delayed effective date.

#### **Discussion of Regulations**

The temporary safety zone is being established for the U.S. Border Patrol

Training Academy Small Arms Range at the Charleston Naval Weapons Station. This safety zone will become effective at 6 a.m. EDT on September 1, 1996 and will terminate at 12 a.m. EST on December 1, 1996. The safety zone is needed to protect persons, vehicles and vessels from safety hazards associated with small arms fire.

The safety zone will consist of those portions of unnamed tributaries of the Back River and Foster Creek that are generally described as lying south of the main shoreline and extending southward to the northern shoreline of Big Island (U.S. Naval Reservation). Specifically, the area beginning at a point on the main shoreline, which is the northern shore of an unnamed tributary of Back River at position 32°59'19"N, 79°56'52"W, southwesterly to a point on or near the northern shoreline of Big Island at position 32°59'11"N, 79°56'59"W; thence northwesterly to a point on the main shoreline, which is the northern shore of an unnamed tributary of Foster Creek, at position 32°59'16"N, 79°57'11"W; thence easterly along the main shoreline, which is the northern shore of the unnamed tributaries of Foster Creek and Back River, back to the point of beginning at position 32°59'19"N, 79°56'52"W. All coordinates referenced use datum: NAD 1983. The Captain of the Port has restricted vessel operations in this safety zone. No persons, vehicles or vessels will be allowed to enter or operate within this zone, except as may be authorized by the Captain of the Port, Charleston, South Carolina. This regulation is issued pursuant to 33 U.S.C. 1231, as set out in the authority citation of Part 165.

#### Regulatory Evaluation

The regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Maritime traffic will not be significantly impacted because of the small number of vessels expected to need the safety zone, and the limited area affected by the zone.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include (1) Small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Small entities will not be affected significantly because of the limited duration of the zone and the limited area affected by the zone. Therefore, 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.

#### Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

#### Environmental Assessment

The Coast Guard has considered the environmental impact of this rule and concluded that, under paragraph 2.B.2. of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. Pursuant to COMDTINST M16475.1B, paragraph 2.B.2. section 34(g), an environmental determination has been made that this rule will not significantly affect the environment. A "Categorical Exclusion Determination" and "Categorical Exclusion Checklist" are available in the docket for inspection or copying.

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

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

#### Regulations

In consideration of the foregoing, the Coast Guard amends Subpart C of Part 165 of Title 33, Code of Federal Regulations, as follows:

#### PART 165—[AMENDED]

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new temporary section 165.T07-052 is added to read as follows:

#### **§ 165.T07-052 Safety Zone; Back River and Foster Creek, Charleston, SC.**

(a) *Regulated area.* Naval Weapons Station/U.S. Border Patrol Training Academy Small Arms Range. The following area is a safety zone: those portions of unnamed tributaries of the Back River and Foster Creek lying south of the main shoreline and extending southward to the northern shoreline of Big Island (U.S. Naval Reservation) beginning at a point on the main shoreline at 32°59'19"N, 79°56'52"W, then to 32°59'11"N, 79°56'59"W; then to 32°56'16"N, 79°57'11"W; then back to the point of beginning. All coordinates referenced use datum: NAD 1983.

(b) *Effective dates.* This regulation is effective at 6 a.m. (EDT) on September 1, 1996 and will terminate at 12 a.m. (EST) on December 1, 1996.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into the zone is subject to the following requirements:

(1) This safety zone is closed to all persons, vehicles and vessels, except as any be permitted by the Captain of the Port, Charleston, SC.

(2) Persons desiring to enter or operate vehicles or vessels within the safety zone shall contact the Captain of the Port to obtain permission to do so. Persons given permission to enter or operate in the safety zone shall comply with all directions given them by the Captain of the Port.

(3) The Captain of the Port may be contacted via the Coast Guard Group Charleston operations center at (803) 724-7619 or VHF-FM channel 16.

Dated: August 30, 1996.

M.J. Pontiff,

Commander, U.S. Coast Guard, Captain of the Port, Charleston, South Carolina.

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