

**DATES:** We must receive your comments by July 3, 2003.

**ADDRESSES:** You may use mail, facsimile (fax), or electronic mail to send us your comments. Clearly identify them as comments and send them (1) by mail to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209-3939; (2) by fax to (202) 693-9441; or (3) by electronic mail to: [comments@msha.gov](mailto:comments@msha.gov).

**FOR FURTHER INFORMATION CONTACT:** Marvin W. Nichols, Jr., Director, Office of Standards, Regulations and Variances, MSHA; phone: (202) 693-9440; facsimile: (202) 693-9441; e-mail: [nichols-marvin@msha.gov](mailto:nichols-marvin@msha.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On March 6, 2003, (68 FR 10940), the Secretaries of Labor and Health and Human Services published a notice, "Determination of Concentration of Respirable Coal Mine Dust (Single Sample)," reopening the rulemaking record on a July 7, 2000 joint proposed rule that would determine that the average concentration of respirable dust to which each miner in the active workings of a coal mine is exposed can be accurately measured over a single shift. In that proposed rule the Secretaries proposed to rescind a previous 1972 finding by the Secretary of the Interior and the Secretary of Health, Education and Welfare, on the accuracy of single shift sampling (63 FR 42068).

##### **II. Extension of Comment Periods**

The comment periods for the reopening of the Single Sample rule were scheduled to close on June 4, 2003 (68 FR 10940, 68 FR 12641). However, in response to requests from the public for additional time to prepare their comments, the comment periods have been extended 30 days until July 3, 2003. All comments must be submitted to MSHA by this date.

Dated: May 15, 2003.

**Elaine L. Chao,**

*Secretary of Labor.*

Dated: May 23, 2003.

**Tommy G. Thompson,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 03-13441 Filed 5-28-03; 8:45 am]

**BILLING CODE 4510-43-P; 4163-70-P**

#### **DEPARTMENT OF DEFENSE**

##### **Department of the Army, Corps of Engineers**

##### **33 CFR Part 334**

##### **United States Army Restricted Area, New River, Radford Army Ammunitions Plant, Radford, VA**

**AGENCY:** United States Army Corps of Engineers, DoD.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The U. S. Army Corps of Engineers is proposing to establish a restricted area on the New River in the vicinity of the Radford Army Ammunitions Plant, Radford, Virginia. The restricted area will enable the Commanding Officer to enhance security efforts in response to potential terrorist activities. These regulations are necessary to safeguard the facility and are part of a comprehensive plan to protect the public, environment, and economic interests from sabotage and other subversive acts, accidents, or incidents of similar nature.

**DATES:** Written comments must be submitted on or before June 30, 2003.

**ADDRESSES:** U.S Army Corps of Engineers, ATTN: CECW-OR, 441 G Street, NW., Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Frank Torbett, Corps of Engineers Headquarters, Regulatory Branch, Washington, DC at (202) 761-4618, or Mr. Rick Henderson, Corps of Engineers, Norfolk District, Regulatory Branch, at (757) 441-7653.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps proposes to amend the restricted area regulations in 33 CFR part 334 by adding § 334.812 which would establish a restricted area in the New River, at the Radford Army Ammunitions Plant, Radford, Virginia. The public currently has unrestricted access to the facility. The Commanding Officer is seeking authorization from the Corps of Engineers to establish a restricted area in waters of the United States adjacent to the Ammunitions Plant in Radford, Virginia. The District Engineer's preliminary review indicates this request is not contrary to the public interest.

#### **Procedural Requirements**

a. *Review under Executive Order 12866.* This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review under the Regulatory Flexibility Act.* These proposed rules have been reviewed under the Regulatory Flexibility Act (Public Law 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small Governments). The Corps expects that the economic impact of the establishment of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

c. *Review under the National Environmental Policy Act.* An environmental assessment has been prepared for this action. The Norfolk District has concluded, based on the minor nature of the proposed restricted area regulation, that this action, if adopted, will not have a significant impact to the quality of the human environment, and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the District office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

d. *Unfunded Mandates Act.* This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

##### **List of Subjects in 33 CFR Part 334**

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 334, as follows:

##### **PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS**

1. The authority citation for part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).