

**List of Subjects**

*29 CFR Part 1910*

Chain saw, Forestry, Harvesting, Incorporation by reference, Logging, Occupational safety and health, Pulpwood timber, Training

*29 CFR Part 1928*

Agriculture, Migrant labor, Occupational safety and health

**Authority**

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210

This action is taken pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 1-90 (55 FR 9033) and 29 CFR part 1911.

Signed at Washington, DC, this 4th day of August, 1995.

**Joseph A. Dear,**

*Assistant Secretary of Labor.*

For the reasons set forth above, 29 CFR 1910 is hereby amended as follows:

**PART 1910—[AMENDED]**

1. The authority citation for subpart R of part 1910 continues to read as follows:

**AUTHORITY:** Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736) or 1-90 (55 FR 9033), as applicable.

Sections 1910.261, 1910.262, 1910.265, 1910.266, 1910.267, 1910.268, 1910.269, 1910.272, 1910.274 and 1910.275 also issued under 29 CFR Part 1911.

Section 1910.272 also issued under 5 U.S.C. 553.

2. The note at the end of § 1910.266, is revised to read as follows:

**§ 1910.266 Logging operations.**

\* \* \* \* \*

**Note:** In the **Federal Register** of August 9, 1995, OSHA extended the stay of the following paragraphs of § 1910.266 until September 8, 1995. The remaining requirements of § 1910.266, which became effective on February 9, 1995, are unaffected by the extension of the partial stay:

1. (d)(1)(v)—insofar as it requires foot protection to be chain-saw resistant.
2. (d)(1)(vii)—insofar as it required face protection.
3. (d)(2)(iii).
4. (f)(2)(iv).
5. (f)(2)(xi).
6. (f)(3)(ii).
7. (f)(3)(vii).

8. (f)(3)(viii).
9. (f)(7)(ii)—insofar as it requires parking brakes to be able to stop a moving machine.
10. (g)(1) and (g)(2) insofar as they require inspection and maintenance of employee-owned vehicles.
11. (h)(2)(vii)—insofar as it precludes backcuts at the level of the horizontal cut of the undercut when the Humboldt cutting method is used.

[FR Doc. 95-19649 Filed 8-8-95; 8:45 am]  
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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

[CGD01-95-064]

RIN 2115-AA97

**Safety Zone: Belmar Power Boat Race, Shark River, Belmar, NJ**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Belmar Power Boat Race located in the Shark River, Belmar, New Jersey, on Sunday, August 20, 1995, from 11 a.m. until 5 p.m. This rectangular safety zone closes all waters of the Shark River ranging from 100 to 350 yards off the northern shoreline of Maclearie Park, Belmar, New Jersey, from the Municipal Boat Basin western entrance, extending westerly approximately 750 yards.

**EFFECTIVE DATE:** This rule is effective on August 20, 1995, from 11 a.m. until 5 p.m., unless extended or terminated sooner by the Captain of the Port, New York.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group, New York, (212) 668-7934.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The drafters of this regulation are LTJG K. Messenger, Project Manager, Coast Guard Group New York and CDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

**Regulatory History**

On June 30, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 34192). Interested persons were requested to submit comments on or before July 31, 1995. No

comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this temporary final rule as proposed. Good cause exists for making this regulation effective less than 30 days after **Federal Register** publication. Due to the NPRM comment period deemed necessary to give adequate public notice, there was insufficient time to publish this temporary final rule 30 days prior to the event. The delay that would be encountered to allow for a 30 day delayed effective date would cause the cancellation of this event. Cancellation of this event is contrary to the public interest. Adequate measures are being taken to ensure mariners are made aware of this regulation. This rule will be locally published in the First Coast Guard District's Local Notice to Mariners, and announced via Safety Marine Information Broadcasts.

**Background and Purpose**

The East Coast Boat Racing Club of New Jersey submitted an Application for Approval of Marine Event for a power boat race in Shark River, New Jersey. This regulation establishes a rectangular safety zone in the waters of the Shark River ranging from 100 to 350 yards off the northern shoreline of Maclearie Park, Belmar, New Jersey, from the Municipal Boat Basin western entrance, extending westerly approximately 750 yards, and bounded by the lines of latitude 40°10'48"N and 40°10'55"N, and the lines of longitude 074°01'58"W and 074°02'26"W (NAD 1983). This regulation is in effect on August 20, 1995, from 11 a.m. until 5 p.m., unless extended or terminated sooner by the Captain of the Port New York. This safety zone prevents vessels not participating in this event from transiting this portion of the Shark River, Belmar, New Jersey. Vessels participating in this event include race participants and race committee craft. All other vessels, swimmers, and personal watercraft of any nature are precluded from entering or moving within the safety zone. This regulation is needed to protect the boating public, as well as the participants, from the hazards associated with high speed power boat racing in confined waters.

**Regulatory Evaluation**

This 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of the Shark River to nonparticipating vessel traffic on August 20, 1995, from 11 a.m. until 5 p.m., unless extended or terminated sooner by the Captain of the Port New York. Although this regulation prevents traffic from transiting a small portion of Shark River off of Maclearie Park north of the charted navigation channel, the effect of this regulation will not be significant for several reasons: the limited duration of the event; mariners can transit to the south of the zone via the charted navigation channel; the safety zone does not impact any charted navigation channel; the affected portion of Shark River is charted as having only 2 feet of water; there is approximately 300 yards of open water, with minimum water depths, between the north boundary of the safety zone and the closest point of land; and the extensive, advance advisories that will be made. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For reasons given in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

#### Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that

this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the power boat race under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process.

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

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

#### Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 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 temporary section, 165.T01-064, is added to read as follows:

#### § 165.T01-064 Safety Zone; Belmar Power Boat Race, Shark River, Belmar, New Jersey.

(a) *Location.* This rectangular safety zone includes all waters of the Shark River ranging from 100 to 350 yards off the northern shoreline of Maclearie Park, Belmar, New Jersey, from the Municipal Boat Basin western entrance, extending westerly approximately 750 yards, and bounded by the lines of latitude 40°10'48"N and 40°10'55"N, and the line of longitude 074°01'58"W and 074°02'26"W (NAD 1983).

(b) *Effective period.* This section is in effect on August 20, 1995, from 11 a.m. until 5 p.m., unless extended or terminated sooner by the Captain of the Port of New York.

(c) *Regulation.* (1) Vessels not participating in this event, swimmers, and personal watercraft of any nature and precluded from entering or moving within the safety zone.

(2) The general regulations contained in 33 CFR 165.23 apply.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: July 31, 1995.

**J. Rutkovsky,**

*Commander, U.S. Coast Guard, Captain of the Port, New York Acting.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 242

[4310-55]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 100

#### Subsistence Management Regulations for Federal Public Lands in Alaska, Customary and Traditional Use Determinations; Review Policies

**AGENCY:** Forest Service, USDA; Fish and Wildlife Service, Interior.

**ACTION:** Review Policies.

**SUMMARY:** Pursuant to the regulatory authority at 36 CFR 242.10(a), 242.18(b) and 50 CFR 100.10(a) and 100.18(b), the Federal Subsistence Board (Board) provides notice of a revised procedure for reviewing customary and traditional use determinations, and details the associated administrative process, under the Federal Subsistence Management Program. This document also rescinds the previous policy published in the **Federal Register** on July 15, 1994.

**EFFECTIVE DATE:** The Federal Subsistence Board policies contained in this document shall be effective August 9, 1995.

**ADDRESSES:** Any comments concerning this document may be sent to the Chair, Federal Subsistence Board, c/o Richard S. Pospahala, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road,