

■ 6. Add subpart V to part 77 to read as follows:

### Subpart V—Safety Program for Surface Mobile Equipment

Sec.	
77.2100	Purpose and scope.
77.2101	Definitions.
77.2102	Written safety program.
77.2103	Requirements for written safety program.
77.2104	Record and inspection.

#### § 77.2100 Purpose and scope.

This subpart requires operators to develop, implement, and update a written safety program for surface mobile equipment to reduce the number and rates of accidents, injuries, and fatalities. This subpart applies to surface mobile equipment at surface coal mines and surface work areas of underground coal mines. The purpose of this safety program is to promote and support a positive safety culture and improve miners' safety at the mine.

#### § 77.2101 Definitions.

The following definitions apply in this subpart—

*Responsible person* means a person with authority and responsibility to evaluate and update a written safety program for surface mobile equipment.

*Surface mobile equipment* means wheeled, skid-mounted, track-mounted, or rail-mounted equipment capable of moving or being moved, and any powered equipment that transports people, equipment, or materials, excluding belt conveyors, at surface coal mines and surface work areas of underground coal mines.

#### § 77.2102 Written safety program.

(a) Each operator shall develop and implement a written safety program for surface mobile equipment that contains the elements in this subpart, no later than July 17, 2024.

(b) Each operator shall designate at least one responsible person to evaluate and update the written safety program, no later than July 17, 2024.

#### § 77.2103 Requirements for written safety program.

(a) The operator shall develop and implement a written safety program that includes actions the operator will take to:

(1) Identify and analyze hazards and reduce the resulting risks related to the movement and the operation of surface mobile equipment;

(2) Develop and maintain procedures and schedules for routine maintenance and non-routine repairs for surface mobile equipment;

(3) Identify currently available and newly emerging feasible technologies that can enhance safety at the mine and evaluate whether to adopt them; and

(4) Train miners and other persons at the mine necessary to perform work to identify and address or avoid hazards related to surface mobile equipment.

(b) The responsible person shall evaluate and update the written safety program at least annually, or as mining conditions or practices change that may adversely affect the health and safety of miners or other persons, as accidents or injuries occur, or as surface mobile equipment changes or modifications are made.

(c) The operator shall solicit input from miners and their representatives in developing and updating the written safety program.

#### § 77.2104 Record and inspection.

(a) The operator shall make the written safety program available for inspection by authorized representatives of the Secretary and provide a copy upon request.

(b) The operator shall make the written safety program available for inspection by miners and their representatives and, at no cost, provide a copy upon request.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 3, 100, and 165

[Docket Number USCG–2023–0927]

RIN 1625–AA00

#### Coast Guard Sector Buffalo; Sector Name Conforming Amendment

**AGENCY:** Coast Guard, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** This rule makes non-substantive changes to Coast Guard regulations in association with a change in the Coast Guard's internal organization. The purpose of this rule is to reflect that U.S. Coast Guard Sector Buffalo has been renamed U.S. Coast Guard Sector Eastern Great Lakes. These changes will have no substantive effect on the regulated public.

**DATES:** This rule is effective December 20, 2023.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0927 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

[www.regulations.gov](https://www.regulations.gov), type USCG–2023–0927 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Commander Bo Ames, Ninth Coast Guard District Legal Office, U.S. Coast Guard; telephone 216–902–6010, email [Bo.J.Ames@uscg.mil](mailto:Bo.J.Ames@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

AOR	Area of responsibility
CFR	Code of Federal Regulations
COTP	Captain of the Port
DHS	Department of Homeland Security
FR	Federal Register
NPRM	Notice of proposed rulemaking
OCMI	Officer in Charge of Marine Inspections
OFCO	Operating Facility Change Order
SAR	Search and rescue
§	Section
U.S.C.	United States Code

##### II. Background Information and Regulatory History

For the last several years, the Coast Guard has sought to better align the names of its assets to correspond to the area of responsibility which they serve. Review of the missions and engagements within the eastern Great Lakes region highlighted that “Sector Buffalo” alone did not adequately capture the breadth and range of Coast Guard operations and relationships throughout the Eastern Great Lakes. The Coast Guard has approved the name change to U.S. Coast Guard Sector Eastern Great Lakes in order to acknowledge the long-standing commitment to all communities throughout the Eastern Great Lakes and to reaffirm the multi-mission support that the Coast Guard provides to ensure safety at sea and enhanced maritime governance.

The geographic boundaries of Sector Eastern Great Lakes are not changing, and its office is not moving from Buffalo, New York.

We did not publish a notice of proposed rulemaking (NPRM) before this final rule. The Coast Guard finds that this rule is exempt from notice and comment rulemaking requirements under 5 U.S.C. 553(b)(A) because the changes it makes are conforming amendments involving agency organization. The Coast Guard also finds good cause exists under 5 U.S.C. 553(b)(B) for not publishing an NPRM because the changes will have no substantive effect on the public, and notice and comment are therefore unnecessary.

### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 14 U.S.C. 504(a)(2), as delegated at 33 CFR 1.05–1(h), to issue regulations necessary to implement technical, organizational, and conforming amendments and corrections to rules, regulations, and notices.

Operating Facility Change Order (OFCO) No. 036/23, issued November 6, 2023, changed the official unit name of U.S. Coast Guard Sector Buffalo to U.S. Coast Guard Sector Eastern Great Lakes. See OFCO No. 036/23, which is available in the docket for this rule. The previous name of Sector Buffalo is described and reflected in regulations, which also contain contact details and other references to Sector Buffalo. These conforming amendments update those regulations so that they contain current information.

Under 14 U.S.C. 504(a)(2), the Commandant of the Coast Guard has the authority to establish and prescribe the purpose of Coast Guard Shore establishments. This authority has been delegated to the Chief of the Coast Guard's Office of Regulations and Administrative Law under 33 CFR 1.05–1(h).

### IV. Discussion of the Rule

OFCO No. 036/23, issued November 6, 2023, changed the official unit name of U.S. Coast Guard Sector Buffalo to U.S. Coast Guard Sector Eastern Great Lakes. The November 2023 OFCO did not change the area of responsibility (AOR). The AOR of U.S. Coast Guard Sector Eastern Great Lakes is identical to that of what was U.S. Coast Guard Sector Buffalo. All authorities and responsibilities previously assigned to Commander, U.S. Coast Guard Sector Buffalo have been assigned to Commander, U.S. Coast Guard Sector Eastern Great Lakes. Additionally, all authorities that were vested in the Commander, U.S. Coast Guard Sector Buffalo as it pertains to the COTP, the OCMI, the Federal On Scene Coordinator, the Federal Maritime Security Coordinator, and the Search and Rescue Coordinator, have been assigned to Commander, U.S. Coast Guard Sector Eastern Great Lakes. This rule does not change any sector, OCMI, or COTP zone boundary lines, nor does it have any substantive impact on existing regulated navigation area, safety zone, or security zone regulation, or any naval vessel protection zones.

### V. Regulatory Analyses

We developed this rule after considering numerous statutes and

Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

#### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the finding that the name change will have no substantive effect on the public.

#### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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.

For the reasons stated in section V.A. above, this rule will not have a significant economic impact on any member of the public, including “small entities.”

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This rule will not call for a new collection of information under the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule consists only of an organizational amendment. It is categorically excluded from further review under paragraph L3 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1, Implementation of the National Environmental Policy Act.

**List of Subjects****33 CFR Part 3**

Organizations and functions  
(Government agencies).

**33 CFR Parts 100 and 165**

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 3, 100, and 165 as follows:

**PART 3—COAST GUARD AREAS, DISTRICTS, SECTORS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES**

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

**Authority:** 14 U.S.C. 501, 504; Public Law 107–296, 116 Stat. 2135; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Revise § 3.45–10 to read as follows:

**§ 3.45–10 Sector Eastern Great Lakes Marine Inspection Zone and Captain of the Port Zone.**

Sector Eastern Great Lakes' office is located in Buffalo, New York. The boundaries of Sector Eastern Great Lakes' Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the boundaries of an area starting from a point on the international boundary in Lake Erie at latitude 42°19'24" N, longitude 80°31'10" W, proceeding southwest along the international boundary to a point at latitude 41°40'36" N, longitude 82°25'00" W; thence south to latitude 41°00'00" N; thence east to longitude 78°54'58" W; thence north to latitude 42°00'00" N; thence east to the east bank of the Delaware River at latitude 42°00'00" N, longitude 75°21'28" W; thence east to longitude 74°39'00" W; thence north to the international boundary at a point at latitude 44°59'58" N, longitude 74°39'00" W; thence southeast along the international boundary to the starting point.

**PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

- 3. The authority citation for part 100 continues to read as follows:

**Authority:** 46 U.S.C. 70041; 33 CFR 1.05–1.

**§ 100.901 [Amended]**

- 4. In § 100.901, remove "Sector Buffalo, NY" from table 1 and add, in

its place, "Sector Eastern Great Lakes, NY".

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

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

**Authority:** 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

**§ 165.911 [Amended]**

- 6. In § 165.911, remove the word "Buffalo" and add, in its place, the words "Eastern Great Lakes".

**§ 165.939 [Amended]**

- 7. In § 165.939, remove the words "Port Buffalo" and add, in its place, the words "Port Eastern Great Lakes".

Dated: December 15, 2023.

**Michael T. Cunningham,**

*Chief, Office of Regulations and Administrative Law.*

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket Number USCG–2023–0965]

**RIN 1625–AA00**

**Safety Zone; Laguna de Lobina, Culebra, Puerto Rico**

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Temporary interim rule and request for comments.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters of Laguna de Lobina within a 50-yard radius of Culebra Bridge due to structural damage to the bridge. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the damaged bridge. Entry of persons and vessels from into the safety zone is prohibited unless specifically authorized by the Captain of the Port San Juan or a designated representative.

**DATES:** This temporary interim rule is effective without actual notice from December 20, 2023, through February 12, 2024. For the purposes of enforcement, actual notice will be used from December 14, 2023, until December 20, 2023.

Comments and related material must reach the Coast Guard on or before January 19, 2024.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0965 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material." See section VI of the **SUPPLEMENTARY INFORMATION** for information on public participation and request for comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, call or email Lieutenant Commander Carlos M. Ortega-Perez, Sector San Juan Waterways Management Division, U.S. Coast Guard; telephone 787–729–2380, email [Carlos.M.Ortega-Perez@uscg.mil](mailto:Carlos.M.Ortega-Perez@uscg.mil).

**SUPPLEMENTARY INFORMATION:****I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

**II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary 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 because structural damaged is causing the potential collapse of the Culebra Bridge. Due to this situation the Culebra Bridge is temporary closed and immediate action is needed to respond to the potential safety hazards associated with the bridge structural condition. It is impracticable to publish an NPRM because we must establish this safety zone by December 14, 2023. Therefore, we lack sufficient time to provide a reasonable comment period and then to consider those comments before issuing the rule.

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**. Delaying the effective date of this rule would be impracticable