

(c)(1)(ii) by removing the semicolon at the end of each paragraph and adding in its place “, unless not released by the patient under § 821.55(a);”.

8. Section 821.55 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and by adding paragraph (a) to read as follows:

**§ 821.55 Confidentiality.**

(a) Any patient receiving a device subject to tracking requirements under this part may refuse to release, or refuse permission to release, the patient's name, address, telephone number, and social security number, or other identifying information for the purpose of tracking.

\* \* \* \* \*

Dated: February 14, 2000.

**Margaret M. Dotzel,**

*Acting Associate Commissioner for Policy.*

[FR Doc. 00-10251 Filed 4-24-00; 8:45 am]

**BILLING CODE 4160-01-F**

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Parts 4, 5, and 7

[Notice No. 896; Re: Notice Nos. 884 and 892]

RIN 1512-AB97

#### Health Claims and Other Health-Related Statements in the Labeling and Advertising of Alcohol Beverages; Cancellation and Rescheduling of Public Hearings (99R-199P)

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

**ACTION:** Notice of proposed rulemaking; cancellation and rescheduling of public hearings.

**SUMMARY:** Due to the low number of requests to present oral comments, the Bureau of Alcohol, Tobacco and Firearms (ATF) is announcing the cancellation of three public hearings that were to be held concerning health claims and other health-related statements in the labeling and advertising of alcohol beverages. In addition, the hearings scheduled for Washington, DC and San Francisco, California will be limited to two days. We are also changing the date for submission of written (or e-mail) comments.

**DATES:** The revised hearing dates are:

1. April 25 and April 26, 2000, 10:00 a.m. to 5 p.m., Washington, DC.

2. May 23 and May 24, 2000, 10:00 a.m. to 5 p.m., San Francisco, CA.

Written (or e-mail) comments addressing Notice Nos. 884 and 892, as well as comments addressing testimony presented at the hearings, must be received on or before June 30, 2000.

**ADDRESSES:** The hearing locations are:

1. Washington, DC—Washington Convention Center, 900 Ninth Street, NW., Washington, DC 20001.

2. San Francisco—Embassy Suites San Francisco Airport, 150 Anza Boulevard, Burlingame, CA 94010.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Kern or Jim Ficareta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8210).

**SUPPLEMENTARY INFORMATION:**

#### Background

On February 28, 2000, ATF published a notice in the **Federal Register** (Notice No. 892; 65 FR 10434) announcing the dates and locations of five public hearings that we planned to hold concerning health claims and other health-related statements in the labeling and advertising of alcohol beverages.

The notice provided that persons wishing to testify at the hearings should submit a written notification to ATF on or before April 7, 2000. As of April 18, 2000, we had received only seven requests to testify in Atlanta; seven requests to testify in Chicago; and three requests to testify in Dallas. We do not consider that this constitutes a sufficient number of requests to justify the expense of holding these three hearings. Accordingly, we are canceling the hearings that were scheduled for Atlanta, Chicago, and Dallas. Those persons who requested to appear at these hearings have been offered several alternatives, including attending one of the remaining two scheduled hearings in Washington, DC and San Francisco, California, or submitting their written comments.

The hearings scheduled for Washington, DC and San Francisco will be limited to two days. The hearing in Washington, DC will be held on April 25 and 26, and the hearing in San Francisco will be held on May 23 and 24. The hearings in both locations will start at 10:00 a.m.

We will accept written (or e-mail) comments addressing our earlier notices on this subject, Notice No. 892 and Notice No. 884 (October 25, 1999; 64 FR 57413), as well as comments addressing testimony presented at the forthcoming hearings, until June 30, 2000. This date is approximately one month after the close of the public hearings.

#### Drafting Information

The author of this document is James P. Ficareta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

#### Authority and Issuance

This notice is issued under the authority of 27 U.S.C. 205.

Signed: April 19, 2000.

**Bradley A. Buckles,**

*Director.*

[FR Doc. 00-10309 Filed 4-21-00; 10:42 am]

**BILLING CODE 4810-31-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 948

[WV-085-FOR]

#### West Virginia Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the West Virginia regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The program amendment consists of changes to the West Virginia regulations (38 CSR 2) contained in House Bill 4223, and changes to the Code of West Virginia contained in Senate Bill 614. The amendments are intended to comply with the Consent Decree between the plaintiff and the West Virginia Division of Environmental Protection (WVDEP) entered on February 17, 2000, in the matter of *Bragg v. Robertson*, No. 2:98-636 (S.D.W.Va.).

**DATES:** If you submit written comments, they must be received on or before 4 p.m. (local time), on May 25, 2000. If requested, a public hearing on the proposed amendments will be held at 1 p.m. (local time), on May 22, 2000. Requests to speak at the hearing must be received by 4 p.m. (local time), on May 10, 2000.

**ADDRESSES:** Mail or hand-deliver your written comments and requests to speak at the hearing to Mr. Roger W. Calhoun, Director, Charleston Field Office at the address listed below.

You may review copies of the West Virginia program, the proposed amendment, a listing of any scheduled

hearings, and all written comments received in response to this document at the addresses below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Charleston Field Office.

Mr. Roger W. Calhoun, Director,  
Charleston Field Office, Office of  
Surface Mining Reclamation and  
Enforcement, 1027 Virginia Street,  
East, Charleston, West Virginia 25301  
Telephone: (304) 347-7158. E-mail:  
chfo@osmre.gov.

West Virginia Division of  
Environmental Protection, 10  
McJunkin Road, Nitro, West Virginia  
25143, Telephone: (304) 759-0515.  
The proposed amendment will be  
posted at the Division's Internet page:  
<http://www.dep.state.wv.us>.

In addition, you may review copies of  
the proposed amendment during regular  
business hours at the following  
locations:

Office of Surface Mining Reclamation  
and Enforcement, Morgantown Area  
Office, 75 High Street, Room 229, P.O.  
Box 886, Morgantown, West Virginia  
26507, Telephone: (304) 291-4004

Office of Surface Mining Reclamation  
and Enforcement, Beckley Area  
Office, 323 Harper Park Drive, Suite 3,  
Beckley, West Virginia 25801,  
Telephone: (304) 255-5265

**FOR FURTHER INFORMATION CONTACT:** Mr.  
Roger W. Calhoun, Director, Charleston  
Field Office; Telephone: (304) 347-  
7158.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background on the West Virginia Program**

On January 21, 1981, the Secretary of  
the Interior conditionally approved the  
West Virginia program. You can find  
background information on the West  
Virginia program, including the  
Secretary's findings, the disposition of  
comments, and the conditions of  
approval in the January 21, 1981,  
**Federal Register** (46 FR 5915-5956).  
You can find later actions concerning  
the conditions of approval and program  
amendments at 30 CFR 948.10, 948.12,  
948.13, 948.15, and 948.16.

##### **II. Discussion of the Proposed Amendment**

By letters dated March 14, 2000  
(Administrative Record Number WV-  
1147) and March 28, 2000  
(Administrative Record Number WV-  
1148), and electronic mail dated April 6,  
2000 (Administrative Record Number  
WV-1149), the WVDEP submitted an  
amendment to its program. The

amendment concerns changes to the  
West Virginia regulations made by the  
State legislature in House Bill 4223, and  
changes made to the Code of West  
Virginia in Senate Bill 614. Many of the  
amendments are intended to comply  
with the Consent Decree between the  
plaintiff and the West Virginia Division  
of Environmental Protection entered on  
February 17, 2000, in the matter of  
*Bragg v. Robertson*, No. 2:98-636  
(S.D.W.Va.).

The amendments submitted by the  
WVDEP are identified below.

##### *A. Senate Bill 614*

Numerous wording and paragraph  
notation changes have been made.  
These are nonsubstantive changes that  
will not be discussed. The substantive  
changes are identified below.

###### 1. W.Va. Code 22-3-3. Definitions.

At § 22-3-3(e) the definition of  
"approximate original contour" (AOC)  
is amended by deleting the word  
"disturbed" and adding in its place the  
word "mined." As amended, AOC  
"means that surface configuration  
achieved by the backfilling and grading  
of the "mined" areas \* \* \*."

At § 22-3-3(u) (2), the definition of  
"surface mine," "surface-mining" or  
"surface-mining operations" is amended  
by deleting the word "may" in the  
sentence immediately before  
subdivision (i), and replacing that word  
with the word "does." As amended, the  
sentence reads: "Surface-mining does  
not include any of the following: \* \* \*."

At § 22-3-3(y), the definition of  
"lands eligible for re-mining" is  
amended in the second sentence by  
deleting the word "may" and adding in  
its place the word "do." As amended,  
the sentence reads: "Surface-mining  
operations on lands eligible for  
re-mining "do" not affect the eligibility  
\* \* \*."

###### 2. W.Va. Code 22-3-13 General environmental protection performance standards for surface mining; variances.

At § 22-3-13(c)(3), concerning  
mountaintop removal mining  
operations, the list of approvable  
postmining land uses is amended as  
follows. In the first sentence, the word  
"woodland" is deleted, the words  
"commercial forestry" are added, the  
words "or fish and wildlife habitat and  
recreation lands use" are deleted, the  
word "facility" and the words  
"including recreational uses" are added.  
As amended, the sentence reads as  
follows: "In cases where an industrial,  
commercial, agricultural, commercial  
forestry, residential, public facility  
including recreational uses is proposed  
for the postmining use of the affected  
land \* \* \*."

In addition, a new subdivision § 22-  
3-13(c)(3)(iii) is added to read as  
follows. "(iii) obtainable according to  
data regarding expected need and  
market." The previously existing  
subdivision (iii) is renumbered as  
subdivision (iv), and so on.

###### 3. W.Va. Code 22-3-23 Release of bond or deposits; application; notice; duties of director; public hearings; final maps on grade release.

At subsection § 22-3-23(c), a new  
subdivision (c)(1) is added to read as  
follows. "(1) For all operations except  
those with an approved variance from  
approximate original contour:"  
Previously existing subdivisions (c)(1),  
(2), and (3) have been relettered as  
(c)(1)(A), (B), and (C). As amended,  
§ 22-3-23(c)(1) applies only to  
operations that do not have an approved  
variance from the AOC requirements.

New subsection § 22-3-23(c)(2) is  
added to specify the bond release  
requirements that apply only to  
operations with an approved variance  
from the AOC requirements.

##### *B. House Bill 4223*

###### 1. CSR 38-2-2.31. Definition of commercial forestry and forestry. This new definition is added to read as follows.

2.31.a. Commercial Forestry, as used in  
Subsection 7.4 of this rule, means a long-term  
postmining land use designed to accomplish  
the following: (1) Achieve greater forest  
productivity than that found on the mine site  
before mining; (2) Minimize erosion and/or  
sediment yield and serve the hydrologic  
functions of infiltrating, holding, and  
yielding water commonly found in  
undisturbed forests; (3) Result in biodiversity  
by facilitating rapid recruitment of native  
species of plants and animals via the process  
of natural succession; (4) Result in a  
premium forest that will thrive under  
stressful conditions; and (5) Result in  
landscape, vegetation and water resources  
that create habitat for forest-dwelling  
wildlife.

2.31.b. Forestry, as used in Subsection 7.4  
of this rule, means a long-term postmining  
land use designed to accomplish the  
following: (1) Achieve forest productivity  
equal to that found on the mine site before  
mining; (2) Minimize erosion and/or  
sediment yield and serve the hydrologic  
functions of infiltrating, holding, and  
yielding water commonly found in  
undisturbed forests; (3) Result in biodiversity  
by facilitating rapid recruitment of native  
species of plants and animals via the process  
of natural succession; and (4) Result in  
landscape, vegetation and water resources  
that create habitat for forest-dwelling  
wildlife.

###### 2. CSR 38-2-2.31. Definition of downslope.

This definition is amended by  
deleting the words "except in

operations where the entire upper horizon above the lowest coal seam is proposed to be partly or entirely removed." As amended, "downslope" means the land surface between the projected outcrop of the lowest coal seam being mined along each highwall, or any mining-related construction, and the valley floor.

3. CSR 38-2-2.98. Definition of prospecting.

This definition is amended by deleting the word "substantial" before the word "disturbance" in the first sentence. The effect of this deletion is that the definition of "prospecting" is no longer limited to those activities that cause "substantial" disturbance.

4. CSR 38-2-2.123. Definition of substantially disturb.

This definition is amended by deleting the word "and" after the words "significantly impact land," and adding in its place the word "or." With this change, substantially disturb means to significantly impact land or water resources.

5. CSR 38-2-2.136. Definition of woodlands.

This definition is deleted.

6. CSR 38-2-3.8.c. Structures and support facilities.

This subsection is amended by adding a concluding sentence which reads as follows: "This exemption shall not apply to new and existing coal waste facilities."

7. CSR 38-2-3.25. Transfer, assignment, or sale of permit rights and obtaining approval.

This subsection is amended by adding the term "reinstatement" in the title of the subsection, and in four locations where the phrase "transfer, assignment, or sale" appears. In addition, subdivision 3.25.b. is amended by adding a sentence which states that, "as a condition of reinstatement, the Director may require a modification to the mining and reclamation plan." With this amendment, the provisions of CSR 38-2-3.25 will apply to reinstated permits.

8. CSR 38-2-7.2.i. Commercial woodland.

This provision is amended by deleting the word "woodland" from the land use category "commercial woodland," and adding in its place the word "forestry." The effect of this change is that "commercial forestry" is where forest cover is managed for commercial production of timber.

9. CSR 38-2-7.3. Criteria for approving alternative postmining use of land.

New subdivision 7.3.c. is added to provide that: "A change in postmining land use to grassland uses such as

rangeland and/or hayland or pasture is prohibited on operations that obtain an approximate original contour variance described in WV Code § 22-3-13(b)(25)(c). Provided, however, That this subdivision is not effective until Sections 7.4 and 7.5 of this rule are approved by the federal Office of Surface Mining."

10. CSR 38-2-7.4. Standards applicable to approximate original contour variance operations with a postmining land use of commercial forestry and forestry.

This provision is new and contains the following subsections:

7.4.a. Applicability. This provision applies to commercial forestry and forestry as defined at CSR 38-2-2.31 (see item B. 1. above).

7.4.b. Requirements. This subsection contains requirements concerning planting and management plan development, oversight procedures, landscape criteria, soil and soil substitutes, soil placement and grading, liming and fertilizing, ground cover vegetation, tree species and compositions, standards of success, and front faces of valley fills.

11. CSR 38-2-7.5. Homestead land use.

This subsection is new and contains the following subdivisions. Subdivision 7.5.a., requires that the minimum area for a homestead shall be at least one-half of the permit area. The remainder of the permit area shall support an alternate AOC variance use.

Subdivision 7.5.b. concerns the terms applicable only to homestead land use.

Subdivision 7.5.c. concerns the eligibility requirements and responsibilities for homesteaders.

Subdivision 7.5.d. concerns the rules for the homestead lottery.

Subdivision 7.5.e. concerns the homestead plan development.

Subdivision 7.5.f. concerns the provisions for financial commitments.

Subdivision 7.5.g. concerns the required elements for all homestead plans.

Subdivision 7.5.h. concerns the construction and conveyance of homestead parcels.

Subdivision 7.5.i. concerns required infrastructure.

Subdivision 7.5.j. concerns soils, soil placement and grading.

Subdivision 7.5.k. concerns requirements for reclamation maps.

Subdivision 7.5.l. concerns homestead village.

Subdivision 7.5.m. concerns community association.

Subdivision 7.5.n. concerns interim homestead management.

Subdivision 7.5.o. concerns bond release.

12. CSR 38-2-14.12. Variance from AOC requirements.

This provision is amended at subdivision 14.12.a.1. to delete the word "woodlands" and add in its place the words "commercial forestry."

13. CSR 38-2-14.15

Contemporaneous reclamation standards.

This provision is amended at subdivision 14.15.f. concerning variance-permit applications to add a sentence which reads as follows: "Furthermore, the amount of bond for the operation shall be the maximum per acre specified in WV Code § 22-3-12(c)(1)."

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments, on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the West Virginia program.

#### Written Comments

If you submit written or electronic comments on the proposed amendment during the 30-day comment period, they should be specific, should be confined to issues pertinent to the notice, and should explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments delivered to an address other than the one listed above (see **ADDRESSES**).

#### Electronic Comments

Please submit Internet comments as an ASCII, Word Perfect, or Word file avoiding the use of special characters and any form of encryption. Please also include "Attn: SPATS NO. WV-085-FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Charleston Field office at (304) 347-7158.

#### Availability of Comments

Our practice is to make comments, including names and home addresses of respondents, available for public review during our regular business hours at the OSM Administrative Record Room (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your

name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

#### Public Hearing

If you wish to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. (local time), on May 10, 2000. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

#### Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

#### IV. Procedural Determinations

##### *Executive Order 12866—Regulatory Planning and Review*

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

##### *Executive Order 12630—Takings*

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

##### *Executive Order 13132—Federalism*

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to “establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.” Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be “in accordance with” the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations “consistent with” regulations issued by the Secretary pursuant to SMCRA.

##### *Executive Order 12988—Civil Justice Reform*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of state regulatory programs and program amendments since each such program is drafted and promulgated by a specific state, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed state regulatory programs and program amendments submitted by the states must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

##### *National Environmental Policy Act*

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

##### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

##### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The state submittal which is the subject of this rule is based upon counterpart federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities.

Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart federal regulation.

##### *Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of \$100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

##### *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

##### **List of Subjects in 30 CFR Part 948**

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 7, 2000.

**John A. Holbrook,**  
Acting Regional Director, Appalachian  
Regional Coordinating Center.

[FR Doc. 00-10278 Filed 4-24-00; 8:45 am]

BILLING CODE 4310-05-P

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD01-99-070]

RIN 2115-AE47

**Drawbridge Operation Regulations;  
Westchester Creek, Bronx River, and  
Hutchinson River, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change the operating rules for three New York City bridges; the Bruckner Boulevard/Unionport Bridge, at mile 1.7, across Westchester Creek at the Bronx, the Bruckner Boulevard/Eastern Boulevard Bridge, mile 1.1, across the Bronx River at the Bronx, and the Hutchinson River Parkway Bridge, mile 0.9, across the Hutchinson River, at the Bronx, all in New York. The bridge owner asked the Coast Guard to change the regulations to require a two-hour advance notice for openings. This action is expected to relieve the owner of the bridge from the requirement to crew each bridge at all times by using a roving crew of drawtenders and still meet the reasonable needs of Navigation.

**DATES:** Comments must reach the Coast Guard on or before June 26, 2000.

**ADDRESSES:** You may mail comments to Commander (obr), First Coast Guard District, Bridge Branch, at 408 Atlantic Avenue, Boston, MA. 02110-3350, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except, Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. John McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-99-070), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

**Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining 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**

*Bruckner Boulevard/Eastern Boulevard Bridge*

The Bruckner Boulevard/Eastern Boulevard Bridge, mile 1.1, across the Bronx River at the Bronx, has a vertical clearance of 27 feet at mean high water and 34 feet at mean low water. The existing operating regulations for the Bruckner Boulevard/Eastern Boulevard Bridge in 33 CFR 117.771(a) require the bridge to open on signal if at least a four-hour advance notice is given to the NYCDOT Radio Hotline, or NYCDOT Bridge Operations Office. From 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, the bridge need not open for vessel traffic.

*Hutchinson River Parkway Bridge*

The Hutchinson River Parkway Bridge, mile 0.9, across the Hutchinson River at the Bronx, has a vertical clearance of 30 feet at mean high water and 38 feet at mean low water. The existing operating regulations for the Hutchinson River Parkway Bridge in 33 CFR 117.793(b) require the bridge to open on signal if at least a six-hour advance notice is given.

*Bruckner Boulevard/Unionport Bridge*

The Bruckner Boulevard/Unionport Bridge, at mile 1.7, across Westchester Creek at the Bronx, has a vertical clearance of 14 feet at mean high water and 21 feet at mean low water. The existing operating regulations for the Bruckner Boulevard Bridge in 33 CFR 117.815 require the bridge to open on signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, the draw need not open for vessel traffic.

The owner of the bridges, the New York City Department of Transportation (NYCDOT), submitted bridge opening log data to the Coast Guard for review. The bridge owner plans to operate all three bridges with multiple crews of drawtenders after a two-hour advance notice is given. The two-hour advance notice for all three bridges will make the advance notice requirement consistent for each bridge allowing sufficient time for the roving crews of drawtenders to operate all three bridges. The closed periods 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, for Bruckner Boulevard/Unionport Bridge and Bruckner Boulevard/Eastern Boulevard Bridge will not be changed by this rule. The number of bridge openings at the three bridges are as follows:

	1998	1999
Bruckner/Unionport .....	429	516
Bruckner/Eastern .....	0	0
Hutchinson Parkway .....	75	129

The Coast Guard believes that the owner's proposal to use multiple crews of roving drawtenders to operate these bridges will meet the needs of navigation. The bridge owner will provide additional crews of drawtenders in the event the number of bridge opening requests increases.

The Coast Guard believes that the two-hour advance notice is reasonable because the bridges will still open on signal, except during the closed periods at Bruckner Boulevard/Unionport Bridge and Bruckner Boulevard/Eastern Boulevard Bridge, provided the two-hour notice is given. The commercial vessel transits on the Bronx River, Hutchinson River, Eastchester Creek and Westchester Creek are scheduled in advance. Providing a two-hour notice for bridge openings should not prevent vessels from transiting the waterway in a timely manner.

The advance notice time will be reduced at the Bruckner Boulevard/Eastern Boulevard and the Hutchinson River Parkway bridges from four-hour and six-hour advance notice,