

- Adding more extensive and more specific monitoring requirements for surface water, groundwater, and aquatic biota during mining and reclamation.

- Establishing corrective action thresholds based on monitoring results.
- Revising the backfilling and grading rules, excess spoil rules, and approximate original contour restoration requirements to incorporate landform restoration principles and reduce discharges of total dissolved solids.

- Limiting variances and exceptions from approximate original contour restoration requirements.

- Requiring reforestation of previously wooded areas.

- Requiring that the regulatory authority coordinate the SMCRA permitting process with Clean Water Act permitting activities to the extent practicable.

- Codifying the financial assurance provisions of OSM's March 31, 1997, policy statement<sup>2</sup> on correcting, preventing, and controlling acid/toxic mine drainage and clarifying that those provisions apply to all long-term discharges of pollutants, not just pollutants for which effluent limitations exist.

- Updating the definitions of perennial, intermittent, and ephemeral streams.

We are in the process of developing alternatives for the proposed Federal action. Comments received in response to this notice will assist us in that process.

We will prepare a draft EIS after we complete the initial stages of scoping and identify which rulemaking alternatives will be analyzed in detail. Following release of the draft EIS, we anticipate publishing a notice of proposed rulemaking, unless we select an alternative that makes rulemaking unnecessary.

### III. How do I submit comments?

Consistent with 43 CFR 46.235, we invite all interested persons, organizations, and agencies to provide comments, suggestions, and any other information relevant to the scope of the EIS, the scope of the proposed Federal action, potential alternatives for the proposed Federal action, and studies and impacts that the EIS should address. See **ADDRESSES** for the methods by which we will accept comments. We do not anticipate conducting any meetings dedicated to scoping.

Before including your address, phone number, e-mail address, or other

personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments that we receive after the close of the comment period (*see DATES*) or sent to an address other than those listed in **ADDRESSES** may not be considered.

If you previously submitted comments in response to the ANPR, you do not need to resubmit them. We will consider all ANPR comments as part of this EIS scoping process.

### IV. How do I request to participate as a cooperating agency?

Consistent with 43 CFR 46.225, we, the lead agency, invite eligible Federal, state, tribal, and local governmental entities to indicate whether they have an interest in being a cooperating agency in the preparation of the EIS. Qualified entities are those with jurisdiction by law, as defined in 40 CFR 1508.15, or special expertise, as defined in 40 CFR 1508.26. Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and make the necessary resources available in a timely manner, as discussed in the document entitled "Factors for Determining Cooperating Agency Status,"<sup>3</sup> which is Attachment 1 to the Council on Environmental Quality's January 30, 2002, Memorandum for the Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act. We will not be able to provide financial assistance to cooperating agencies.

If you have an interest in participating as a cooperating agency, please contact the person listed in **FOR FURTHER INFORMATION CONTACT** and identify those aspects of the EIS process in which you are interested in participating. The regulations at 43 CFR 46.230 and Items 4 through 6 in the document discussed in the preceding paragraph list the activities in which cooperating agencies may wish to participate.

Dated: April 16, 2010.

**Sterling Rideout,**

*Assistant Director, Program Support.*

[FR Doc. 2010-10091 Filed 4-29-10; 8:45 am]

**BILLING CODE 4310-05-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2009-0890]

RIN 1625-AA09

### Drawbridge Operation Regulation; Chambers Creek, Steilacoom, WA, Schedule Change

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking; withdrawal.

**SUMMARY:** The Coast Guard is withdrawing its notice of proposed rulemaking (NPRM) concerning the drawbridge operation regulation for the Burlington Northern Santa Fe Railroad Bridge across Chambers Creek, mile 0.0, at Steilacoom, Washington, by which two-hour notice would have been required for openings from 3:30 p.m. to 7 a.m. every day. The NPRM is being withdrawn because of multiple objections to the proposed change from users of that waterway.

**DATES:** The notice of proposed rulemaking is withdrawn on April 30, 2010.

**ADDRESSES:** The docket for this withdrawn rulemaking is available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to <http://www.regulations.gov>, inserting USCG-2009-0890 in the "Keyword" box and then clicking "Search".

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail Austin Pratt, Chief, Bridge Section, Waterways Management Branch, Thirteenth Coast Guard District; telephone 206-220-7282, e-mail address [william.a.pratt@uscg.mil](mailto:william.a.pratt@uscg.mil). If you have questions on viewing materials in the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

### SUPPLEMENTARY INFORMATION:

#### Background

On December 8, 2009, we published an NPRM entitled "Drawbridge Operation Regulation; Chambers Creek, Steilacoom, WA, Schedule Change" in the *Federal Register* (74 FR 64641). The

<sup>2</sup> See the document entitled "Acid Mine Drainage Policy" at [http://www.osmre.gov/guidance/significant\\_guidance.shtm](http://www.osmre.gov/guidance/significant_guidance.shtm).

<sup>3</sup> See <http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagencyemofactors.html>.

NPRM proposed to change current regulations so that Burlington Northern Railroad, the owner of the Chambers Creek Bridge, would only have been required to raise the draw of the bridge between 3:30 p.m. and 7 a.m. everyday if at least two hours of notice is provided. At all other times the draw would have been required to be raised on signal.

#### Withdrawal

The NPRM is being withdrawn because of multiple objections to the change from users of the waterway in question and, in particular, the clients of the marina upstream of the Chambers Creek Bridge. The primary point of objection was that 3:30 p.m. was too early in the day, especially in summer boating season, to require a two-hour notice. This would pertain mostly to vessels returning to moorage at the end of a day of boating.

The Coast Guard received a total of 17 written responses. At least seven boaters suggested that a two-hour notice outside daylight hours would be feasible or a seasonal change outside the peak boating season. A dozen respondents pointed out that the draw records cited in the NPRM did not cover the peak summer months of boating. These records were no longer available from the bridge owner. Seven responses also noted that boaters often group together for a single draw opening thereby reducing the number of openings that otherwise would have been tallied for single-vessel passages. Additionally, several comments noted that tide elevations are a significant factor at Chambers Creek. Many lower tides stop boat traffic altogether and would fail to coincide favorably with the proposed hours.

No less than eleven responses cited numerous failures of the bridge owner to operate according to the existing regulations. The chief violations were reported as the absence of drawtenders and unreasonable delays to openings. At least two boat owners observed that cell phone coverage is not adequate for telephone contact by vessels returning to moorage from popular boating locations in Puget Sound that are two hours travel time from the marina. Several comments were concerned with delayed access of fireboats in the event of a marina fire.

#### Authority

This action is taken under the authority of 33 U.S.C. 499; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

Dated: April 8, 2010.

**G.T. Blore,**

*Rear Admiral, U.S. Coast Guard, Commander, Thirtieth Coast Guard District.*

[FR Doc. 2010-10076 Filed 4-29-10; 8:45 am]

**BILLING CODE 9110-04-P**

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 242

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 100

#### Western Interior Alaska Federal Subsistence Regional Advisory Council Meeting

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

**ACTION:** Notice of meeting (teleconference).

**SUMMARY:** This document informs the public that the Western Interior Alaska Federal Subsistence Regional Advisory Council will hold a public meeting by teleconference on May 14, 2010. The public is invited to participate and to provide oral testimony.

**DATES:** May 14, 2010, at 11 a.m. For how to participate, please see

**SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Peter J. Probasco, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503, (907) 786-3888, or via e-mail at [subsistence@fws.gov](mailto:subsistence@fws.gov). For questions specific to National Forest System lands, please contact Steve Kessler, Subsistence Program Leader, USDA, Forest Service, 3301 C Street, Suite 202, Anchorage, AK 99503, (907) 743-9461, or via e-mail at [skessler@fs.fed.us](mailto:skessler@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), this document announces a meeting of the Western Interior Alaska Federal Subsistence Regional Advisory Council. The Council will meet to discuss and form recommendations on fish and wildlife issues. This meeting is a follow-up to the Council's February 24-25, 2010, meeting. Completion of the agenda is dependent on the amount of time each item takes.

No preregistration is required and the public is invited to provide testimony.

To participate, call toll free 1-877-931-8150; the passcode is 3168014.

**Authority:** 16 U.S.C. 3, 472, 551, 668dd, 3101-3126; 18 U.S.C. 3551-3586; 43 U.S.C. 1733.

**Peter J. Probasco,**

*Acting Chair, Federal Subsistence Board.*

**Steve Kessler,**

*Subsistence Program Leader, USDA-Forest Service.*

[FR Doc. 2010-10136 Filed 4-29-10; 8:45 am]

**BILLING CODE 3410-11-P; 4310-55-P**

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## POSTAL SERVICE

### 39 CFR Part 111

#### Express Mail Next Day Delivery Postage Refund Amendment

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service is proposing to revise the *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®)* 114.2, 414.3, and 604.9, to state the conditions for Express Mail® Next Day Delivery postage refunds when shipments are mailed each year during the time period of December 22 through December 25.

**DATES:** We must receive your comments on or before June 1, 2010.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza, SW., Room 3436, Washington, DC 20260-3436. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza, SW., 11th Floor N, Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday. E-mail comments concerning the proposed rule, containing the name and address of the commenter, may be sent to: [MailingStandards@usps.gov](mailto:MailingStandards@usps.gov), with a subject line of "Express Mail Refunds." Faxed comments are not accepted.

**FOR FURTHER INFORMATION CONTACT:** Karen Key (202) 268-7492 or Carol A. Lunkins (202) 268-7262.

**SUPPLEMENTARY INFORMATION:** During the time period of December 22 through December 25, air transportation is subject to delay or cancellation.

#### Express Mail Next Day Delivery

Postage refunds will not be available for items mailed from December 22 through December 25 for Express Mail Next Day Delivery when those items are made available for pickup at the destination office, attempted for delivery, or delivered within two