

applied against expenditures for the program in the same period as the other sums in the appropriation.

(g) *Administrative appeals and civil rights.* (1) Applicants who are denied certification or participants that are denied recertification shall be provided with a notice of ineligibility. The notice shall include information on the applicant's right to appeal the determination and instructions on doing so.

(2) Benefits shall not be provided while an appeal is pending when an applicant is denied benefits, a participant's certification has expired or a participant becomes categorically ineligible.

(3) A request for appeal shall be submitted in writing within 5 working days. If the decision is an adverse one it shall include notice to the applicant of his further appeal rights as reflected in paragraph (g)(4)(iii) of this section, and that he/she has 5 working days to effect any such appeal.

(4) Appeal reviews shall be conducted in the first instance by the CPA or team leader in charge of the local WIC Overseas office.

(i) Written notice of a decision shall be provided to the applicant within 5 working days.

(ii) If the appeal is upheld, retroactive benefits shall not be provided.

(iii) At an applicant's request a denied appeal may be forwarded to the regional program manager for review, who will provide a decision on the appeal within 5 working days.

(iv) If the regional program manager denies the appeal, there shall be no further right of appeal.

(5) Complaints about discriminatory treatment shall be handled in accordance with procedures established at each local WIC Overseas site.

(h) *Operations and Administration.* (1) Information collected about WIC Overseas applicants and participants shall be collected, maintained, and disclosed in accordance with applicable laws and regulations.

(2) Information and personnel security requirements shall be consistent with applicable laws and regulations.

Dated: June 27, 2003.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03-16981 Filed 7-21-03; 8:45 am]

**BILLING CODE 5001-08-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-03-002]

RIN 1625-AA09

#### Drawbridge Operation Regulations; Shrewsbury River, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the drawbridge operation regulations governing the operation of the Route 36 Bridge, mile 1.8, across The Shrewsbury River at Highlands, New Jersey. This final rule will synchronize the drawbridge opening schedules for the two moveable bridges across the Shrewsbury River during the boating season. This action is necessary to meet the present needs of navigation.

**DATES:** This rule is effective August 21, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket (CGD01-03-002) and are available for inspection or copying at the First Coast Guard District, Bridge Administration Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110-3350, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joe Arca, Project Officer, First Coast Guard District, (212) 668-7165.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On February 5, 2003, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Shrewsbury River, New Jersey, in the **Federal Register** (68 FR 5858). We received one comment letter in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

##### Background and Purpose

The Route 36 Bridge, mile 1.8, across the Shrewsbury River at Highlands, New Jersey, has a vertical clearance of 35 feet at mean high water and 39 feet at mean low water.

The existing regulations listed at 33 CFR 117.755(a), require the Route 36 Bridge to open on signal; except that, from May 15 through October 15, 7 a.m. to 8 p.m., the draw need open only at quarter before the hour and quarter after the hour.

The Coast Guard received requests from mariners to change the drawbridge operation regulations that govern the Route 36 Bridge. Presently the two moveable bridges across the Shrewsbury River, the Route 36 Bridge, and the Monmouth County highway bridge, have staggered opening schedules during the boating season. The mariners have asked the Coast Guard to change the opening schedule for the Route 36 Bridge in order to synchronize the bridge opening times for the two moveable bridges during the boating season to help reduce vessel transit delays and enhance boating safety.

The second moveable bridge across the Shrewsbury River, the Monmouth County highway bridge, at mile 4.0, with a vertical clearance of 15 feet at mean high water and 17 feet at mean low water. The existing regulations listed at 33 CFR 117.755(b), require the bridge to open on signal; except that, from May 15 through September 30, on Saturdays, Sundays, and holidays, from 9 a.m. to 7 p.m., the draw need open only on the hour and half hour.

This final rule will synchronize the bridge opening times at the two bridges by requiring the Route 36 Bridge to open on signal from May 15 through October 15, 7 a.m. to 8 p.m., on the hour and half hour only.

##### Discussion of Comments and Changes

The Coast Guard received one comment letter opposed to the proposed rule change. That comment opposed having synchronous bridge openings at the Route 36 Bridge, mile 1.8, and the Monmouth County highway bridge, at mile 4.0, across the Shrewsbury River in New Jersey.

The objection stated that powerboats would be required to wait for bridge openings creating an unsafe condition on the waterway which would result in hardship for marine businesses in the area.

The Route 36 Bridge, with a vertical clearance of 35 ft above mean high water, passes the vast majority of power vessels without requiring an opening. This rule change, to synchronize both bridges operating schedules, was requested to assist the lower-powered sailboats that cannot transit between the bridges quickly enough to make consecutive bridge openings. The ensuing 20-25 minute wait for sailboats in swift river currents creates a hazardous navigational condition.

The potential for an adverse effect on marine businesses is not supported by the fact that only a few power vessels may have to wait up to 20 minutes for bridge openings.