

FOIA appeals are time-consuming because they cannot be decided generically. Each appeal can involve numerous documents that must be analyzed individually on the basis of the standards provided in the FOIA. The Commission believes that this redelegation authority would be in the public interest because it would enable the administrative review process to be carried out more expeditiously. The Commission is therefore revising paragraph (a)(3)(iii)(B) of the rule to authorize the General Counsel to redelegate any FOIA appeal function to a Deputy General Counsel because it is primarily a legal review to assure compliance with existing law and to assure implementation of existing Commission policy. Decisions of a Deputy General Counsel on appeal shall constitute final agency action. In unusual or difficult cases, such as those that present novel policy issues, the General Counsel, in his/her discretion, may make the determination himself or refer an appeal to the Commission for determination.

As noted above, the Commission is also adding a new Rule 4.11(a)(3)(i)(A)(3), which is currently reserved in the CFR, to provide FOIA requesters with the explicit right to appeal fee waiver and reduction determinations and to include a clear deadline for filing such appeals.

The Commission believes that the proposed rule amendments do not require an initial or final regulatory analysis under the Regulatory Flexibility Act because the amendments will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 605(b). Most requests for access to FTC records are filed by individuals, who are not "small entities" within the meaning of that Act, 5 U.S.C. 601(6), and, in any event, the economic impact of the rule changes on all requesters is expected to be minimal, if any. Moreover, these proposed rule amendments are matters of agency practice and procedure that are exempt from notice-and-comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(b), which also exempts the proposed amendments from the analysis requirements of the Regulatory Flexibility Act, 5 U.S.C. 601(2). Likewise, the amendments do not contain information collection requirements within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501–3520. The Commission nonetheless solicited comments regarding the new Rule

4.11(a)(3)(i)(A)(3),<sup>1</sup> but that proposed addition did not elicit any comments.

#### List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information Act.

For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, Chapter I, Subchapter A of the Code of Federal Regulations as follows:

#### PART 4—MISCELLANEOUS RULES

- 1. The authority citation for Part 4 continues to read as follows:

**Authority:** 15 U.S.C. 46, unless otherwise noted.

- 2. Amend § 4.11 by adding paragraph (a)(3)(i)(A)(3) and revising paragraph (a)(3)(iii)(B), to read as follows:

##### § 4.11. Disclosure requests.

(a) \* \* \*

(3) \* \* \*

(i) \* \* \*

(A) \* \* \*

(3) If an initial request for a fee waiver or reduction is denied, the requester may, within 30 days of the date of the letter notifying the requester of that decision, appeal such denial to the General Counsel. In unusual circumstances, the time to appeal may be extended by the General Counsel or his or her designee.

\* \* \* \* \*

(iii) \* \* \*

(B) The General Counsel may designate a Deputy General Counsel to make any determination assigned to the General Counsel by paragraph (a) of this section. The General Counsel or the official designated by the General Counsel to make the determination shall be deemed solely responsible for the denial of all appeals, except where an appeal is denied by the Commission. In such instances, the Commission shall be deemed solely responsible for the denial.

\* \* \* \* \*

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 117

[Docket No. [USCG–2013–0900]]

#### Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AICW), Albemarle and Chesapeake Canal, Chesapeake, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the SR 170/Centerville Turnpike Bridge, at AICW mile 15.2, across Albemarle and Chesapeake Canal, at Chesapeake, VA. The deviation is necessary to facilitate structural repairs to the superstructure of the SR 170/Centerville Turnpike Bridge. This temporary deviation will allow the drawbridge to change the operating schedule on specific dates and times.

**DATES:** This deviation is effective from 7 a.m. on November 2, 2013 until 7 p.m. November 10, 2013.

**ADDRESSES:** The docket for this deviation, [USCG–2013–0900] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Jim Rousseau, Bridge Administration Branch Fifth District, Coast Guard, telephone (757) 398–6557, email [James.L.Rousseau2@uscg.mil](mailto:James.L.Rousseau2@uscg.mil). If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:** The City of Chesapeake, who owns and operates this swing bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.997(i), to facilitate structural repairs.

Under the regular operating schedule, the S.R. 170/Centerville Turnpike

<sup>1</sup> See 78 FR 13570, 13573 (Feb. 28, 2013).

Bridge, Albemarle and Chesapeake Canal mile 15.2, at Chesapeake, VA shall open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials; From 6:30 a.m. to 8:30 a.m., and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays the draw need not open for the passage of recreational or commercial vessels that do not qualify; Need not open for commercial cargo vessels, including tug, and tug with tows, unless 2 hours advance notice has been given to the S.R. 170/Centerville Turnpike Bridge at (757) 547-3632; and from 8:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays, the draw need only be opened on the hour and half hour. If any vessel is approaching the bridge and cannot reach the draw exactly on the hour or half hour, the draw tender may delay the opening ten minutes past the hour or half hour for the passage of the approaching vessel and any other vessels that are waiting to pass. It shall open on signal at all other times.

The S.R. 170/Centerville Turnpike Bridge has a vertical clearance in the open and closed position of unlimited and 4 feet, above mean high water, respectively.

Under this temporary deviation, the drawbridge will be operated under the following schedule to facilitate superstructure repairs, beginning at 7 a.m., on Saturday, November 2, 2013 and ending at 7 p.m., on Sunday, November 3, 2013, the drawbridge will open on signal every three hours on the following schedule: on Saturday, November 2nd at 7 a.m., 10 a.m., 1 p.m., 4 p.m., 7 p.m., 10 p.m. and on Sunday, November 3rd at 1 a.m., 4 a.m., 7 a.m., 10 a.m., 1 p.m., 4 p.m. and 7 p.m.; will open on signal for hazardous material vessels with a one-hour advance notice by calling (757-547-3631); and will open for an emergency as soon as safely possible. In case of inclement weather, the alternate dates will be rescheduled to weekend of November 9 and November 10, 2013. The bridge will operate under its current operating schedule at all other times. The Coast Guard has carefully reviewed bridge opening logs and coordinated the restrictions with commercial and recreational waterway users.

Vessels able to pass under the bridge in the closed position may do so at anytime and are advised to proceed with caution. The drawbridge will be able to open for emergencies as soon as safely possible. There is no immediate alternate route for vessels transiting this section of the AICW but vessels may pass before and after the closure each day. The Coast Guard will also inform

additional waterway users through our Local and Broadcast Notices to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 16, 2013.

**Waverly W. Gregory, Jr.,**

*Bridge Program Manager, Fifth Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2013-0828]

#### Drawbridge Operation Regulation; Upper Mississippi River, Hannibal, MO

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Hannibal Railroad Drawbridge across the Upper Mississippi River, mile 309.9, at Hannibal, Missouri. The deviation is necessary to allow the bridge owner time to replace critical control components that are essential to the continued safe operation of the drawbridge. The work is scheduled in the winter, when the impact on navigation is minimal, instead of scheduling the work at other times in the year, when river traffic is prevalent. This deviation allows the bridge to remain in the closed-to-navigation position for 39 days.

**DATES:** This deviation is effective from 7 a.m., January 7, 2014 to 5 p.m., February 14, 2014.

**ADDRESSES:** The docket for this deviation, [USCG-2013-0828], is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of

Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone (314) 269-2378, email [Eric.Washburn@uscg.mil](mailto:Eric.Washburn@uscg.mil). If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The Norfolk Southern Railroad requested a temporary deviation for the Hannibal Railroad Drawbridge, mile 309.9, at Hannibal, Missouri across the Upper Mississippi River. It has a vertical clearance of 21.1 feet above normal pool in the closed position. The Hannibal Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart.

The deviation period is from 7 a.m., January 7, 2014 to 5 p.m., February 14, 2014 when the draw span will remain in the closed-to-navigation position. During this time the bridge owner will replace critical control components that are essential to the continued safe operation of the drawbridge. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass this section of the Upper Mississippi River. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

Winter conditions on the Upper Mississippi River coupled with the closure of Army Corps of Engineer's Lock No. 18 (Mile 410.5 UMR) and Lock No. 22 (Mile 301.2 UMR) till 11 a.m., March 4, 2014 will preclude any significant navigation demands for the drawspan opening.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.