

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD08-02-028]****Drawbridge Operation Regulation;
Three Mile Creek, Mobile, AL****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Alabama State Docks Terminal Railway railroad swing span drawbridge across Three Mile Creek, mile 0.7, at Mobile, Alabama. This deviation allows the draw of the railroad swing span bridge to remain closed to navigation from 7 a.m. until 5 p.m. from October 19, 2002 until October 28, 2002; except that, the bridge will open on signal between noon and 12:30 p.m. daily if at least two hours advanced notification is given. This temporary deviation is necessary to allow for the replacement of all rail, railway timbers and bridge joints.

DATES: This deviation is effective from 7 a.m. on Saturday, October 19, 2002 until 5 p.m. on Monday, October 28, 2002.

ADDRESSES: Materials referred to in this notice are available for inspection or copying at the office of the Commander (obc), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana, 70130-3396 between the hours of 7 a.m. and 3 p.m. Monday through Friday except Federal holidays. The Bridge Administration Branch, Eighth District (obc), maintains the public docket for this notice.

FOR FURTHER INFORMATION CONTACT: David Frank, Bridge Administration Branch, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: The Alabama State Docks Terminal Railway railroad swing span drawbridge across Three Mile Creek, Baldwin County, Alabama has a vertical clearance in the closed-to-navigation position of 4 feet above mean high water. The bridge provides unlimited vertical clearance in the open-to-navigation position. Navigation on the waterway consists of tugs with tows. Presently, the draw opens on signal for the passage of vessels as required by 33 CFR 117.5.

Alabama State Docks Terminal Railway requested a temporary deviation for the operation of the drawbridge to accommodate maintenance work. The work involves

replacement of all rails, railway timbers and bridge joints on the bridge. This work is essential for continued safe operation of the draw span of the bridge.

This deviation allows the draw of the railroad swing span bridge to remain closed to navigation from 7 a.m. until 5 p.m. from October 19, 2002 until October 28, 2002; except that, the bridge will open on signal between noon and 12:30 p.m. daily if at least two hours advanced notification is given. The draw will open on signal between 5 p.m. and 7 a.m. The draw will be opened for emergencies but delays of up to one hour may occur during repair operations. The telephone number to call to request an opening during this repair work is 251-441-7300.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 9th, 2002.

Roy J. Casto,

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

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DEPARTMENT OF THE INTERIOR**43 CFR Part 2****RIN 1090-AA61****Revision of the Freedom of Information
Act Regulations and Implementation of
the Electronic Freedom of Information
Act Amendments of 1996****AGENCY:** Department of the Interior.**ACTION:** Final rule.

SUMMARY: This document amends the Department of the Interior's (DOI or Agency) regulations implementing the Freedom of Information Act (FOIA). The FOIA regulations have been completely rewritten in plain language, question and answer format. The regulations also contain new provisions implementing the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA). Additionally, the regulations have been updated to reflect changes in the Department's policies and procedures, developments in case law, cost figures for calculating and charging fees, and organizational changes within DOI. As a result, the public will have a clearer understanding of DOI's policies and procedures implementing the FOIA.

EFFECTIVE DATE: November 20, 2002.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Department of the Interior, 1849 C Street, NW, Room 5323, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Alexandra Mallus by telephone at (202) 208-5342, by fax at (202) 501-2360, or by e-mail at alexandra_mallus@ios.doi.gov.

SUPPLEMENTARY INFORMATION:**Background**

On July 16, 2001, the Department of the Interior published a proposed rule that revised its existing regulations under the FOIA and added new provisions implementing the Electronic FOIA Amendments. See 66 FR 36966, July 16, 2001. Interested persons were afforded an opportunity to participate in the rulemaking through submission of written comments on the proposed rule. The Department received three responses to its proposed rule. The Department has adopted several of the modifications suggested by the commenters and has made other revisions to its proposed rule for clarity as well.

The revision of Part 2, Subparts A and B, incorporates changes to the language and structure of the regulations and adds new provisions to implement the E-FOIA (Public Law 104-231). New provisions implementing the amendments are found at § 2.4(c) (electronic reading rooms), § 2.9 (format of disclosure), § 2.12 (timing of responses), § 2.14 (expedited processing), § 2.21(a) (electronic searches), § 2.21(c) (marking deletions), § 2.21(d)(3) (volume estimation), and § 2.26 (multitrack processing).

Subpart B now describes information that is routinely available to the public through the agency reading rooms and the Internet. Requesters are encouraged to use these resources first before filing a FOIA request. Subpart E is added to include information on DOI's FOIA annual report.

Section 2.3(t) has been revised to clarify that the term "review" includes the time spent by bureau staff and attorneys considering any formal objection to disclosure made by a submitter under § 2.23(f).

In light of the decision in *Public Citizen v. Department of State*, 276 F.3d 634 (D.C. Cir. 2001), DOI has revised §§ 2.7(d) and 2.21(a) of the final rule. These sections now provide that in determining which records are responsive to a FOIA request, the bureau will consider any records in its