

(2) No classified information should be included within the initial appeal correspondence. The Executive Secretary will arrange for the transmittal of classified information from the agency after receiving the appeal. If it is impossible for the appellant to file an appeal without including classified information, prior arrangements must be made by contacting the Panel in one of the two methods listed above.

(c) *Timeliness of appeals.* An appeal to the ISCAP must be filed within 60 days of:

(1) The date of the final agency decision; or

(2) The agency's failure to meet the time frames established in paragraph (a)(3)(i) and (ii) of this section.

(d) *Rejection of appeals.* If the Executive Secretary determines that an appeal does not meet the requirements of the Order or these bylaws, the Executive Secretary notifies the appellant in writing that the appeal will not be considered by the ISCAP. The notification includes an explanation of why the appeal is deficient.

(e) *Preparation of appeals and creation of appeals files.* The Executive Secretary notifies the senior agency official or primary member, alternate, or liaison of the affected agency(ies) when an appeal is lodged. Under the direction of the ISCAP, the Executive Secretary supervises the preparation of an appeal file, pertinent portions of which are presented to the members of the Panel for review prior to a vote on the appeal. The appeal file eventually includes all records pertaining to the appeal.

(f) *Narrowing appeals.* To expedite the resolution of appeals and minimize backlogs, the Executive Secretary consults as relevant with appellants and agencies to narrow or prioritize the information subject to the appeal.

(g) *Resolution of appeals.* The Panel may vote to affirm the agency's decision, to reverse the agency's decision in whole or in part, or to remand the matter to the agency for further consideration. A decision to reverse an agency's decision requires the affirmative vote of at least a majority of the members present. In circumstances in which members abstain from voting, a Panel decision to reverse an agency's classification decision requires the affirmative vote of at least a majority of the members present.

(h) *Notification.* The Executive Secretary promptly notifies the appellant and designated senior agency official in writing of the Panel's decision.

(i) *Agency appeals.* Within 60 days of receipt of an ISCAP decision that

reverses a final agency decision, the agency head may petition the President through the National Security Advisor to overrule the Panel's decision.

(j) *Protection of classified information.* All persons involved in the appeal will make every effort to minimize the inclusion of classified information in the appeal file. Any classified information contained in the appeal file is handled and protected in accordance with the Order and its implementing directives. Information that is subject to an appeal from an agency decision denying declassification under the mandatory review provisions of the Order remains classified unless and until a final decision is made to declassify it.

(k) *Maintenance and disposition of file.* The Executive Secretary shall maintain the appeal file among the ISCAP's records in accordance with 44 U.S.C. 2201–2207 (Presidential Records Act).

#### **§ 2003.14 Dissemination of ISCAP decisions.**

The Executive Secretary informs senior agency officials and the public of final ISCAP decisions on appeals under sections 1.8 and 3.5 of the Order.

#### **§ 2003.15 Additional functions.**

As directed by the President through the National Security Advisor, the ISCAP performs such additional advisory functions as are consistent with, and supportive of, the successful implementation of the Order.

Dated: June 25, 2012.

**John P. Fitzpatrick,**

*Director, Information Security Oversight Office.*

Approved: June 25, 2012.

**David S. Ferriero,**

*Archivist of the United States.*

[FR Doc. 2012-16655 Filed 7-6-12; 8:45 am]

**BILLING CODE 7515-01-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 117**

[Docket No. USCG–2012–0592]

#### **Drawbridge Operation Regulation; Tennessee River, Decatur, AL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating

schedule that governs the Southern Railroad Drawbridge across the Tennessee River, mile 304.4, at Decatur, AL. The deviation is necessary to install new rail joints and perform other maintenance essential to the safe operation of the bridge. This deviation allows the bridge to be in the closed-to-navigation position.

**DATES:** This deviation is effective from 8:00 a.m. to noon and from 12:30 p.m. to 4:30 p.m. July 16 through July 19, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2012–0592 and are available online by going to <http://www.regulations.gov>, inserting USCG–2012–0592 in the “Keyword” box and then clicking “Search”. They are also 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, 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 Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** The Norfolk Southern Railroad requested a temporary deviation for the Southern Railroad Drawbridge, across the Tennessee River, mile 304.4, at Decatur, AL.

The vertical clearance of the bridge in the closed position is 10.5 feet. The bridge opens on request or by signal as required by 33 CFR 117.5. The deviation period is from 8:00 a.m. to noon and from 12:30 p.m. to 4:30 p.m. July 16 through July 19, 2012. The Coast Guard will inform the public through broadcast notices to mariners of any changes in the schedule for this deviation. During the deviation period new rail joints will be installed which require steel cutting and welding activity on the bridge.

Vessel traffic consists of commercial tows ranging from a single barge to 15-barges and approximately six openings during the deviation period could normally occur. This deviation was coordinated with the commercial waterway users and no objections were expressed. The bridge, in the closed position, does not provide ample clearance for vessels to pass beneath

and there are no alternate routes for vessels transiting this section of the Tennessee River.

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

Dated: June 18, 2012.

**Eric A. Washburn,**

*Bridge Administrator, Western Rivers.*

[FR Doc. 2012-16620 Filed 7-6-12; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2012-0596]

#### Drawbridge Operation Regulations; Pequonnock River, Bridgeport, CT, Maintenance

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Metro North (Peck) Bridge across the Pequonnock River, mile 0.3, at Bridgeport, CT. The deviation allows the bridge to remain in the closed position to facilitate miter rail repair.

**DATES:** This deviation is effective from July 9, 2012 through September 30, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2012-0596 and are available online at [www.regulations.gov](http://www.regulations.gov), inserting USCG-2012-0596 in the "Keyword" and then clicking "Search". They are also 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 668-7165, email [judy.k.leung-ye@uscg.mil](mailto:judy.k.leung-ye@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager,

Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Metro North (Peck) Bridge, across the Pequonnock River, mile 0.3, at Bridgeport, CT, has a vertical clearance in the closed position of 26 feet at mean high water and 32 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.219(b).

The operator of the bridge, Metro North Railroad, requested a temporary deviation from the regulations to facilitate bridge maintenance, miter rail repair, at the bridge. While conducting repairs during a temporary deviation from April 15, 2012 to June 30, 2012, Metro North Railroad discovered that a separate track of rail needed repair. This was unknown during the original project planning.

The waterway users are recreational vessels and commercial lobster boats. The Metro North (Peck) Bridge rarely opens for vessel traffic. The bridge has received no requests to open during the past several years except for bridge testing and repairs.

Under this temporary deviation the Metro North (Peck) Bridge may remain in the closed position from July 9, 2012 through September 30, 2012. Vessels that can pass under the bridge in the closed position may do so at all times.

The waterway users were advised of the requested bridge closure and offered no objection.

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

Dated: June 22, 2012.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 2012-16622 Filed 7-6-12; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2012-0480]

**RIN 1625-AA00**

#### Safety Zone; Conneaut 4th of July Festival, Lake Erie, Conneaut, OH

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on Lake Erie, Conneaut, OH. This safety zone is intended to restrict vessels from a portion of Lake Erie during the Conneaut 4th of July Festival Fireworks display. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with a fireworks display.

**DATES:** This rule will be effective between 9:45 p.m. until 11:05 p.m. on July 8, 2012.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2012-0480]. To view documents mentioned in this preamble as being available in the docket, go to <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 rulemaking. 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 rule, call or email LT Christopher Mercurio, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716-843-9343, email [SectorBuffaloMarineSafety@uscg.mil](mailto:SectorBuffaloMarineSafety@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking

#### A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details