

**CONSUMER PRODUCT SAFETY COMMISSION**

**16 CFR Part 1014**

**Privacy Act of 1974; Specific Exemptions**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule.

**SUMMARY:** The Consumer Product Safety Commission ("Commission") is issuing a rule to exempt a system of records from certain provisions of the Privacy Act of 1974, 5 U.S.C. 552a ("Privacy Act"), to the extent that the system contains investigatory material pertaining to the enforcement of criminal laws or compiled for law enforcement purposes.

**DATES:** Effective September 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone 301-504-0980.

**SUPPLEMENTARY INFORMATION:**

The Consumer Product Safety Commission, under a variety of statutes, is authorized to enforce its statutes and regulations through administrative actions and civil and criminal litigation. Preparation for, and conduct of, enforcement actions requires the compilation of investigatory materials such as memoranda, investigative reports, correspondence, test reports, injury reports, and the like in a manner that facilitates easy retrieval. The two offices of the Commission that conduct enforcement actions, the Office of Compliance and the Office of the General Counsel, maintain such documentation in a system of records, identified as "Enforcement and Litigation Files—CPSC-7." Disclosure of information in these investigatory files or disclosure of the identity of confidential sources could seriously undermine the effectiveness of the Commission's enforcement actions. For example, premature disclosure of information in such files could enable subjects of an enforcement action to conceal or destroy evidence, or escape prosecution. Premature disclosure of this information could also lead to the possible intimidation of, or harm to, informants, witnesses, or Commission personnel and their families. Further, the imposition of certain Privacy Act restrictions on the manner in which information is collected, verified, or retained could significantly impede the effectiveness of an enforcement action.

Section (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), provides the authority for agencies to exempt records containing investigatory material compiled for law enforcement purpose from certain other provisions of the Act. 16 CFR 1014.12 currently exempts other systems of records from certain requirements of the Privacy Act. The Commission proposed on June 2, 1997, 62 FR 29680, to add a new paragraph (c) to § 1014.12 to exempt the enforcement and litigation files from certain requirements of the Privacy Act.

No comments have been received and the Commission is now issuing the proposal as a final rule.

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant impact on a substantial number of small entities. Since the rule does not require any actions to be taken, the Commission also certifies that this rule will have no environmental impact, will not preempt any state or local laws or regulations, will have no impact on family maintenance and well being, and no implications for federalism.

**List of Subjects in 16 CFR Part 1014**

Privacy.

For the reason stated in the preamble, Chapter II, Title 16 of the Code of Federal Regulations is amended as follows:

**PART 1014—POLICIES AND PROCEDURES IMPLEMENTING THE PRIVACY ACT OF 1974**

1. The authority citation for part 1014 continues to read as follows:

**Authority:** Privacy Act of 1974 (5 U.S.C. 552a).

**§ 1014.12 [Amended]**

2. Section 1014.12, *Specific exemptions*, is amended by adding paragraph (c) to read as follows:

\* \* \* \* \*

(c) *Enforcement and Litigation Files—CPSC-7.* All portions of this system of records that fall within 5 U.S.C. 552a(k)(2) (investigatory materials compiled for law enforcement purposes) are exempt from 5 U.S.C. 552a(c)(3) (mandatory accounting of disclosures); 5 U.S.C. 552a(d) (access by individuals to records that pertain to them); 5 U.S.C. 552a(e)(1) (requirement to maintain only such information as is relevant and necessary to accomplish an authorized agency purpose); 5 U.S.C. 552a(e)(4)(G) (mandatory procedures to notify individuals of the existence of records pertaining to them); 5 U.S.C. 552a(e)(4)(H) (mandatory procedures to

notify individuals how they can obtain access to and contest records pertaining to them); 5 U.S.C. 552a(e)(4)(I) (mandatory disclosure of records source categories); and the Commission's regulations in 16 CFR part 1014 that implement these statutory provisions.

Dated: September 12, 1997.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 97-24715 Filed 9-16-97; 8:45 am]

BILLING CODE 6355-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 5**

**Delegations of Authority and Organization; Office of the Commissioner**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the general redelegations of authority from the Commissioner of Food and Drugs (the Commissioner) to other officers of FDA. The amendment delegates to the Deputy Commissioner for Policy and the Associate Commissioner for Policy Coordination authority to certify that a proposed or final rule, if issued, will not have a significant economic impact on a substantial number of small entities. Furthermore, the Deputy Commissioner for Policy has redelegated the aforementioned authority to certain FDA officials authorized to issue **Federal Register** documents. These actions are necessary to ensure the accuracy of the regulations.

**EFFECTIVE DATE:** June 25, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Edwin V. Dutra, Regulations Policy and Management Staff (HF-26), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480, or Loretta W. Davis, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4809.

**SUPPLEMENTARY INFORMATION:** FDA is amending its delegations of authority regulations by revising 21 CFR 5.20 and by adding § 5.100 to reflect additional authorities under the Regulatory Flexibility Act (5 U.S.C. 605(b)). On

November 8, 1996, the Commissioner delegated to the Deputy Commissioner for Policy and the Associate Commissioner for Policy Coordination his authority, as head of the agency under the Regulatory Flexibility Act (5 U.S.C. 605(b)), to certify that a proposed or final rule, if issued, will not have a significant economic impact on a substantial number of small entities. The Commissioner authorized the Deputy Commissioner for Policy and the Associate Commissioner for Policy Coordination to redelegate this authority.

Moreover, in a memorandum dated June 25, 1997, the Deputy Commissioner for Policy redelegated to certain FDA officials authorized to issue **Federal Register** documents the authority to make a certification under 5 U.S.C. 605(b) for any notice of proposed rulemaking and for any final rule that such official is authorized to issue. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

**List of Subjects in 21 CFR Part 5**

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

**PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION**

1. The authority citation for 21 CFR part 5 continues to read as follows:

**Authority:** 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u–5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

2. Section 5.20 is amended by adding paragraph (f)(4) to read as follows:

**§ 5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.**

(f) \* \* \*

(4) The Deputy Commissioner for Policy and the Associate Commissioner for Policy Coordination are authorized under the Regulatory Flexibility Act (5 U.S.C. 605(b)) to certify that a proposed

or final rule, if issued, will not have a significant economic impact on a substantial number of small entities. The delegation excludes the authority to submit reports to Congress.

\* \* \* \* \*

3. Section 5.100 is added to subpart C to read as follows:

**§ 5.100 Officials authorized to make certification under 5 U.S.C. 605(b) for any proposed and final rules.**

The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to decisions made under the Regulatory Flexibility Act (5 U.S.C. 605(b)), to certify that a proposed or final rule, if issued, will not have a significant economic impact on a substantial number of small entities:

- (a) The Associate Commissioner for Regulatory Affairs (ACRA).
- (b) The Director, Center for Biologics Evaluation and Research (CBER).
- (c) The Director, Center for Drug Evaluation and Research (CDER).
- (d) The Director, Center for Devices and Radiological Health (CDRH).
- (e) The Director, Center for Food Safety and Applied Nutrition (CFSAN).
- (f) The Director, Center for Veterinary Medicine (CVM).
- (g) Other FDA Officials Authorized to Issue **Federal Register** Documents.

Dated: September 9, 1997.

**William K. Hubbard,**  
Associate Commissioner for Policy Coordination.

[FR Doc. 97–24582 Filed 9–16–97; 8:45 am]  
BILLING CODE 4160–01–F

**DEPARTMENT OF STATE**

**22 CFR Part 171**

[Public Notice No. 2588]

**Office of Information Resources Management Programs and Services; Access to Information—Freedom of Information Provisions**

**AGENCY:** Office of Information Resources Management Programs and Services, Department of State.

**ACTION:** Interim rule with request for comment.

**SUMMARY:** The Department of State is hereby promulgating interim rules and soliciting comments prior to adoption of final rules to implement its obligations under the Freedom of Information Act relating to requests for expeditious processing of requests.

**DATES:** The interim rule is effective on October 2, 1997. Comments must be

submitted on or before November 17, 1997.

**ADDRESSES:** Written comments may be mailed or delivered to the Information and Privacy Coordinator, Office of Information Resources Management Programs and Services, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520–1239.

**FOR FURTHER INFORMATION CONTACT:** Margaret P. Grafeld, Acting Director, Office of Information Resources Management Programs and Services, Room 1239, Department of State, 2201 C Street, NW, Washington, D.C. 20520–1239; telephone (202) 647–7740; facsimile (202) 647–5094.

**SUPPLEMENTARY INFORMATION:** This document promulgates interim rules and seeks public comment. The agency is compelled to comply with the mandates of the Electronic Freedom of Information Act (E–FOIA) Amendments of 1996 legislation, and applicable deadlines, which require new procedures to become effective October 2, 1997. This interim rule revises 22 CFR 171.12 to bring these regulations into conformity with the new statutory provisions set forth in the (E–FOIA) Amendments related to time limits for response and consideration of requests for expedited processing of Freedom of Information Act inquiries. Therefore, the agency waives publication of a proposed rule in accordance with the “good cause” provision of the Administrative Procedure Act, 5 U.S.C. 553. The rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Nor does it impose unfunded mandates under the Unfunded Mandates Reform Act. This rule does not alter substantially any existing rights of members of the public. In addition, the rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. The rule is exempt from review under E.O. 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof.

**List of Subjects in 22 CFR Part 171**

Administrative practice and procedure, Classified information, Confidential business information, Freedom of information, Privacy.

For the reasons set forth in the preamble, 22 CFR part 171 is amended as follows: