

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.

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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