

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:

PART 171—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

1. The authority citation for Part 171 is revised to read as follows:

Authority: 5 U.S.C. 551 *et seq.*, 552, 552a; 5 U.S.C. App. 201; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; E.O. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p. 333.

Subpart B—Freedom of Information Provisions

2. Section 171.12 is revised to read as follows:

§ 171.12 Time limits/expedited processing.

(a) Whenever possible, the Department will furnish the requested records within 20 days (excluding Saturdays, Sundays, and legal public holidays), except as cited in § 171.4.

(b) A separate queue shall be established for requests meeting the test for expeditious processing. Requests for expedited processing shall be granted to the requester after the requester has demonstrated that a compelling need exists. A notice of the determination as to whether to grant expedited processing shall be provided to the requester within ten (10) days of the date of the request. The request for expedited processing shall set forth with specificity the relevant facts upon which the requester relies and demonstrate to the Department that substantive records relevant to the stated needs may exist and be deemed releasable.

(c) A "compelling need" is deemed to exist where the requester can demonstrate one of the following:

(1) Failure to obtain requested information on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(2) The information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal Government activity. News media requesters would normally qualify; however, other persons must demonstrate that their primary activity involves publishing or otherwise disseminating information to the public, not just a particular segment or group.

(i) *Urgently needed.* The information has a particular value that will be lost if not disseminated quickly. Ordinarily this means a breaking news story of general public interest. However, information of historical interest only, or information sought for litigation or commercial activities would not qualify, nor would a news media publication or

broadcast deadline unrelated to the newsbreaking nature of the information;

(ii) *Actual or alleged Federal Government activity.* The information concerns some actions taken, contemplated, or alleged by or about the government of the United States, or one of its components or agencies, including the Congress;

(3) Substantial due process rights of the requester would be impaired by the failure to process immediately; or

(4) Substantial humanitarian concerns would be harmed by the failure to process immediately.

(d) A demonstration of compelling need by a requester shall be made by a statement certified by the requester to be true and correct to the best of their knowledge. This statement must accompany the request in order to be considered and responded to within the ten (10) days required for decisions on expedited access.

(e)(1) The Department's decision to deny expedition may be appealed to the Chief of the Requester Liaison Division, Room 1512, Department of State, 2201 C Street, NW., Washington, D.C. 20520. Appeals should contain as much information and documentation as possible to support the request for expedited processing in accordance with the criteria set forth in paragraph (c) of this section.

(2) The Requester Liaison Division Chief will issue a final decision in writing within ten (10) days from the date on which the Department received the appeal.

Dated: September 3, 1997.

Patrick F. Kennedy,
Assistant Secretary for the Bureau of Administration.

[FR Doc. 97-24654 Filed 9-16-97; 8:45 am]

BILLING CODE 4710-24-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

[VA-106-FOR]

Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving with exceptions a proposed amendment to the Virginia permanent regulatory program (hereinafter referred to as the

Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of regulatory changes to implement the standards of the Federal Energy Policy Act of 1992, and the Code of Virginia. The amendment is intended to revise the State program to be consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16772) concerning subsidence damage.

EFFECTIVE DATE: September 17, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (540) 523-4303.

SUPPLEMENTARY INFORMATION:

- I. Background on the Virginia Program.
- II. Submission of the Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

I. Background on the Virginia Program

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background information on the Virginia program including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981, **Federal Register** (46 FR 61085-61115). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 946.11, 946.12, 946.13, 946.15, and 946.16.

II. Submission of the Amendment

By letter dated May 21, 1996 (Administrative Record No. VA-882), Virginia submitted amendments to the Virginia program concerning subsidence damage. The amendments are intended to make the Virginia program consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16722). Virginia stated that the proposed amendments implement the standards of the Federal Energy Policy Act of 1992, and sections 45.1-243 and 45.1-258 of the Code of Virginia.

Virginia also noted that the state has adopted a revised system for numbering the Virginia regulations. For the Virginia program, the prefix "480-03-19." has been replaced with "4 VAC 25-130-." The part of the existing Virginia numbering system that corresponds to the Federal number remains the same. For example, old "480-03-19.700.5" has become "4 VAC 25-130-700.5." The Virginia Division of Mines,