

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: This rule was not published in proposed form since it relates to internal agency organization and administration. Since this rule is nonsubstantive, it is being made effective immediately, July 27, 1995.

List of Subjects in 18 CFR Part 1301

Administrative practice and procedure, Freedom of information, Privacy Act, Sunshine Act.

For the reasons set forth in the preamble, title 18, chapter XIII, part 1301 of the Code of Federal Regulations is amended as follows:

PART 1301—PROCEDURES

1. The authority citation for part 1301 continues to read as follows:

Authority: 16 U.S.C. 831-831dd, 5 U.S.C. 552.

2. Section 1301.1 is amended by revising the introductory text of paragraph (b) to read as follows:

§ 1301.1 Records.

* * * * *

(b) *Requests.* Requests to inspect and copy TVA records shall be directed to the Tennessee Valley Authority, TVA FOIA Officer, Records and Information Management (RIM), 1101 Market Street, Chattanooga, TN 37402-2801. A request shall:

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3. Section 1301.1 is amended by revising the text of paragraph (c)(1)(i) to read as follows:

§ 1301.1 Records.

* * * * *

(c) *Processing of requests*—(1) *Initial determination.* (i) Within 10 days (excluding Saturdays, Sundays, and legal public holidays) after a request is received by TVA, and subject to paragraph (c)(3) of this section, TVA shall make an initial determination as to whether to comply with the request, and shall immediately give written notice of the determination to the person making the request. Initial determinations shall be made by the TVA FOIA Officer or the TVA FOIA Officer's designee. If the initial determination is not to comply with the request, the notice to the person making the request shall include a statement of the reasons for the denial of the request; a notice of the right of the person making the request to appeal the denial to the TVA FOIA Appeal Official designated in paragraph (c)(2)(iii) of this

section, and the time limits therefor; and the name and job title of the person responsible for the initial determination.

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4. Section 1301.1 is amended by revising the text of paragraph (c)(2)(i) to read as follows:

§ 1301.1 Records.

* * * * *

(c) *Processing of requests*—* * *

(2) *Appeal.* (i) If the initial determination is to deny the request, the person making the request may appeal such action to the TVA FOIA Appeal Official. Such an appeal must be taken within 30 days after the person's receipt of the initial determination and is taken by delivering a written notice of appeal to the TVA FOIA Appeal Official designated in paragraph (c)(2)(iii) of this section. Such notice shall include a statement that it is an appeal from a denial of a request under the Freedom of Information Act and shall indicate:

(A) The date on which the denial was issued; and

(B) The date on which the denial was received by the person making the request.

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5. Section 1301.1 is amended by revising the text of paragraph (c)(2)(ii) to read as follows:

§ 1301.1 Records.

* * * * *

(c) * * *

(2) * * *

(ii) Within 20 days (excluding Saturdays, Sundays, and legal public holidays) after an appeal is received, and subject to paragraph (c)(3) of this section, TVA shall make a final determination on the appeal. In making such a determination, TVA will consider whether or not to waive the provisions of any exemption contained in paragraph (a) of this section, except that without the written permission of the person involved, TVA will not waive the exemptions contained in paragraphs (a) (4), (6) and (7) of this section. Determinations of appeals under this section shall be made by the TVA FOIA Appeal Official or the FOIA Appeal Official's designee. If the determination on the appeal is to deny the request for records, TVA shall notify the person making the request of such determination, including the reason for the denial; a notice of the person's right to judicial review of the denial; and the name and job title of the TVA official responsible for the determination of the appeal.

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6. Section 1301.1 is amended by adding a new paragraph (c)(2)(iii) to read as follows:

§ 1301.1 Records.

* * * * *

(c) * * *

(2) * * *

(iii) TVA has designated its Senior Manager, Administrative Services, TVA, 400 Summit Hill Drive, Knoxville, TN 37902-1499 as the TVA FOIA Appeal Official and appeals should be directed accordingly.

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7. Section 1301.1 is amended by revising the text of paragraph (c)(3)(ii) to read as follows:

§ 1301.1 Records.

* * * * *

(c) * * *

(3) * * *

(ii) The 20-day time limit provided in paragraph (c)(2) of this section may be extended by TVA for unusual circumstances as set forth in this paragraph upon written notice to the person appealing a denial of a request for records. The notice shall specify the reasons for the extension and the date on which a determination of the appeal is expected to be dispatched. The aggregate length of an extension under this paragraph when combined with any extension provided under paragraph (c)(3)(i) of this section shall not exceed 10 working days. A decision to make an extension under this paragraph shall be made by the TVA FOIA Appeal Official or the FOIA Appeal Official's designee.

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William S. Moore,

Senior Manager, Administrative Services.

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BILLING CODE 8120-08-W

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Parts 202, 500, 501, and 510****Animal Drugs, Feeds, and Related Products; Technical Amendments**

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect a change in several cross-references to the Federal Food, Drug, and Cosmetic Act (the act). These changes resulted from enactment