

consideration and the central core of the metropolitan area as identified by the Census Bureau.

C. *Federal facilities crossing pay locality boundaries.* To be in the pay locality, the portion of a Federal facility which crosses pay locality boundaries and which is not in the pay locality must—

1. contain at least 1,000 GS employees;
2. have the duty stations of the majority of GS employees within 10 miles of the locality; and
3. have a significant number of its employees commuting from the pay locality.

D. *Full-State areas of application.* In order to be evaluated for area of application status, an entire State may be considered as one county for purposes of applying the county-wide area-of-application criteria if—

1. no part of the State is already in a separate metropolitan pay area;
2. the State is adjacent to the pay area (exclusive of any other areas of application); and
3. the State is smaller than 115

percent of the average county size in square miles in the lower 48 States plus Washington, DC, as determined by OPM using land area data published by the Census Bureau and the number of counties in the United States as determined by the Census Bureau.

After application of the above criteria, the entire State must still pass the county-wide area-of-application criteria before it can become an area of application.

We received more than 800 comments on the proposed regulations. Virtually all of the comments were in support of the proposed changes. A few comments focused on issues outside the scope of the proposed rule, such as when other areas might become separate locality pay areas.

We also received a number of comments about a portion of Bristol County, MA, that lies between the Boston Consolidated Metropolitan Statistical Area (CMSA) and the State of Rhode Island. There are eight cities/townships in this small strip, which is about 10 miles wide (east to west) at its widest and about 30 miles long (north to south). Although there is a significant amount of commuting to and from both Providence and Boston from this area, all of the cities/townships in this area are part of the Providence MSA because there is a greater level of commuting to and from Providence.

Commenters, including affected employees, Members of Congress, an employing agency, and the Greater Boston Federal Executive Board,

concluded that Federal agencies in these areas will not be able to recruit and retain an adequate workforce if employees can drive 10 miles or less in virtually any direction and receive the higher Boston locality pay rate. After reviewing the comments and other pertinent data on this small area, including commuting patterns and population density, we have concluded that all of Bristol County, MA, should be included in the Boston locality pay area. The Pay Agent believes that excluding these eight cities/townships would create an egregious situation, unique under the locality pay program, about 10 miles from Providence and from Boston from this area, and that the proposed Providence locality pay area.

requirements for products made in the U.S. and assembled or finished abroad or products manufactured abroad of U.S. fabric; and correct a typographical error. The Commission amends the Rules and Regulations under the Wool Products Labeling Act of 1939 (Wool Rules) to clarify that only one RN will be granted to a qualifying firm; and clarify the origin labeling requirements for products made in the U.S. and assembled or finished abroad or products manufactured abroad of U.S. fabric. Because these amendments are technical and non-substantive, the Commission finds that notice and comment are not required. For this reason, the requirements of the Regulatory Flexibility Act also do not apply.

**DATES:** The rules are effective on December 1, 2000. The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of December 1, 2000.

**ADDRESS:** Requests for copies of this document should be sent to the Consumer Response Center, Room 202, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. The notice announcing the amendments is available on the Internet at the Commission's website: <http://www.ftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen Ecklund, Senior Investigator, (202) 326-2841, [secklund@ftc.gov](mailto:secklund@ftc.gov), or Faith Vieno, Paralegal Specialist, (202) 326-2299, [fvieno@ftc.gov](mailto:fvieno@ftc.gov), Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Textile Fiber Products Identification Act (Textile Act), 15 U.S.C. 70, requires manufacturers and sellers of covered textile products to mark each product with: (1) The generic names and percentages by weight of the constituent fibers present in the product, in the order of predominance by weight; (2) the name under which the manufacturer or other responsible company does business or, in lieu thereof, the RN issued to the company by the Commission; and (3) the name of the country where the product was processed or manufactured. Pursuant to section 7(c) of the Textile Act, 15 U.S.C. 70e(c), the Commission has issued implementing regulations, the Textile Rules, 16 CFR Part 303. Similar information is required pursuant to the Wool Products Labeling Act (Wool Act),

15 U.S.C. 68, and the Fur Products Labeling Act (Fur Act), 15 U.S.C. 69. Implementing rules under those statutes are found at 16 CFR Part 300 (Wool Rules) and 16 CFR Part 301 (Rules and Regulations under the Fur Products Labeling Act).

**II. Registered Identification Numbers Issued by the Commission**

Pursuant to its Rules, the Commission issues RNs to qualified applicants, *i.e.*, those who manufacture or market textile, wool or fur products covered by the labeling requirements and who reside in the U.S.<sup>1</sup> In the past, applicants were required to submit RN applications to the Commission by mail or fax on the form that appears at 16 CFR 303.20(d).<sup>2</sup> The Commission now has the capability to receive applications and updates to applications online at its website, <http://www.ftc.gov>. Therefore, it is amending the application form in order to facilitate the online application process. The requirement for a signature, line 8 of the form, is eliminated. The online form will require entry of the name of a responsible official who certifies, in making the application, that the business is eligible for the RN by virtue of residing in the U.S. and manufacturing or marketing a product covered by one of the three labeling statutes. Other minor changes to the application form have been made to facilitate the process. The online application will require the same information as the printed application, although it necessarily will appear in a different format.

An amendment to section 300.4(b) of the Wool Rules clarifies that a qualified applicant will be assigned only one RN, which may be used for the labeling of any products covered by the Textile, Wool, or Fur Acts. In the past, the Commission did, on occasion, assign more than one RN to a particular company; however, it ceased this practice a number of years ago. Therefore, this section is amended, consistent with current RN procedures, by removing a clause that refers to assignment of multiple numbers.

The Commission's RN database is available on the FTC's Internet website. Businesses are urged to use this service to check whether the information concerning their RN is current and, if necessary, update the information. Updating an application also can be accomplished online.

<sup>1</sup> 16 CFR 303.20, 16 CFR 300.4, 16 CFR 301.26.

<sup>2</sup> The Wool and Fur Labeling Rules cross-reference the form that appears in the Textile Rules. See, 16 CFR 300.4(e) and 16 CFR 301.26(d).

**III. Recognition of ISO Standard for Generic Fiber Names**

In 1998, the Commission amended the Textile Rules to incorporate by reference the generic fiber names and definitions for manufactured fibers in ISO 2076: 1989, "Textiles—Man-made fibres—Generic names."<sup>3</sup> The Commission noted that a revision of ISO 2076 was under consideration at that time and stated that when the revised standard was finalized, it would amend the Textile Rules to reference that revised standard. The revised ISO standard was finalized in 1999; therefore, the Commission amends the Textile Rules to incorporate the new standard.

**IV. Clarification of Country of Origin Disclosure Requirements**

The Textile and Wool Acts require that covered products be labeled to show the country of origin, whether domestic or foreign.<sup>4</sup> The Commission's Rules implement the statutory requirement, explain how it applies to products made in part in the U.S. and in part in another country, and provide examples of proper labeling.<sup>5</sup>

Imported products must name the country where they were manufactured or processed. Products made in the U.S. of materials also made in the U.S. should be labeled as "Made in USA," or words to that effect. Products made in the U.S. of imported materials should disclose both the U.S. manufacturing and the imported component—for example, "Made in USA of imported fabric" or "Knitted in USA of imported yarn." Similarly, products partially manufactured in a foreign country and partially manufactured in the U.S. should be labeled to show the manufacturing process in both the foreign country and the U.S.—for example, "Imported cloth, finished in USA," "Sewn in USA of imported components," or "Made in [foreign country], finished in USA." The same disclosure principle applies to products manufactured abroad of fabric made in the U.S., or products assembled abroad of components manufactured in the U.S. Therefore, the Commission is revising section 303.33(a)(4)(i) of the Textile Rules and section 300.25(a)(4)(i) of the Wool Rules to add examples covering these latter situations. For example, a product manufactured abroad of U.S. fabric could be labeled "Made in [Foreign Country]/fabric made in USA" or simply "Made in [Foreign Country] of US fabric." A garment that is assembled or finished abroad of components made

<sup>3</sup> 63 FR 7508, 7510-11 (Feb. 13, 1998).

<sup>4</sup> 15 U.S.C. 70b(b)(4) & (5); 15 U.S.C. 68b(e).

<sup>5</sup> 16 CFR 303.33; 16 CFR 300.25.





5. Section 303.33(a)(4)(i) is revised to read as follows:

**§ 303.33 Country where textile fiber products are processed or manufactured.**

(a) \* \* \*

(4) \* \* \*

(i) The manufacturing process in the foreign country and in the USA; for example:

Imported cloth, finished in USA

or

Sewn in USA of imported components

or

Made in [foreign country], finished in USA

or

Scarf made in USA of fabric made in China

or

Comforter Filled, Sewn and Finished in the U.S. With Shell Made in China

or

Made in [Foreign Country]/fabric made in USA

or

Knit in USA, assembled in [Foreign Country].

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 73**

[Docket No. 97C-0415]

**Listing of Color Additives Exempt From Certification; Luminescent Zinc Sulfide; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of August 8, 2000 (65 FR 48375). This document amended the color additive regulations to provide for the safe use of luminescent zinc sulfide as a color additive in certain externally applied cosmetics. In amending the color additive regulations, the document inadvertently omitted a phrase from the codified. This document corrects that error.

**EFFECTIVE DATE:** This rule is effective December 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Aydin Oearstan, Center for Food Safety

and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3076.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 00-19952, appearing on page 48377 in the **Federal Register** of August 8, 2000, the following correction is made:

**§ 73.2995 [Corrected]**

1. On page 48377, in the second column, in § 73.2995 *Luminescent zinc sulfide*, in paragraph (c), beginning in the fifth line, the phrase “(included under § 720.4(c)(7)(ix) and (c)(8)(v) of this chapter) subject” is corrected to read “and nail polish included under § 720.4(c)(7)(ix) and (c)(8)(v) of this chapter, respectively.”

Dated: November 21, 2000.

**L. Robert Lake,**

*Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.*

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**DEPARTMENT OF JUSTICE**

**28 CFR PART 16**

[AAG/A Order No. 207-2000]

**Privacy Act of 1974; Implementation**

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Department of Justice is exempting a Privacy Act system of records from subsections (c)(3) and (4), (d), (e)(1), (e)(2), (e)(3), (e)(5), (e)(8), and (g) of the Privacy Act, pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2). This system of records is maintained by the Environmental and Natural Resources Division and is entitled “Environmental and Natural Resources Division Case and Related Files System, JUSTICE/ENRD-003.”

The system of records may contain information which relates to official Federal investigations and matters of law and regulatory enforcement. Accordingly, where applicable, the exemptions are necessary to avoid interference with law and regulatory enforcement functions. The exemptions are necessary to protect the confidentiality of civil investigatory and criminal law enforcement materials and of properly classified information.

**EFFECTIVE DATE:** December 1, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Mary Cahill at 202-307-1823.

**SUPPLEMENTARY INFORMATION:** On February 23, 2000 (65 FR 8916) a proposed rule was published in the **Federal Register** with an invitation to comment. No comments were received.

**Regulatory Flexibility Act:** This Order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have “a significant economic impact on a substantial number of small entities.”

**Executive Order 12988:** The rule complies with the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988.

**Executive Order 12866:** The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, and accordingly, this rule has not been reviewed by the Office of Management and Budget.

**List of Subjects in Part 16**

Administrative Practices and Procedures, Courts, Freedom of Information Act, Privacy Act, and Government in Sunshine Act.

Dated: November 21, 2000.

**Stephen R. Colgate,**

*Assistant Attorney General for Administration.*

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 793-78, 28 CFR part 16 is amended as follows:

**PART 16—[AMENDED]**

1. The authority for Part 16 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. 28 CFR 16.92 is amended by revising the heading and paragraphs (a) and (b) to read as follows:

**§ 16.92. Exemption of Environment and Natural Resources Division Systems—Limited Access.**

(a)(1) The following system of records is exempted pursuant to 5 U.S.C. 552a(j)(2) from subsections (c)(3) and (4), (d), (e)(1), (e)(2), (e)(3), (e)(5), (e)(8), (f) and (g); in addition, the following systems of records are exempted pursuant to 5 U.S.C. 552a(k)(1) and (k)(2) from subsections (c)(3), (d), and (e)(1):

(i) Environment and Natural Resources Division Case and Related Files System, JUSTICE/ENRD-003.

(ii) [Reserved]

(2) These exemptions apply only to the extent that information in this system relates to the investigation, prosecution or defense of actual or potential criminal or civil litigation, or