

(i) That the fuel economy or driving range information is based on a non-EPA test;

(ii) The source of the non-EPA test;

(iii) The EPA fuel economy estimates or EPA driving range estimates for the vehicle; and

(iv) All driving conditions or vehicle configurations simulated by the non-EPA test that are different from those used in the EPA test. Such conditions and variables may include, but are not limited to, road or dynamometer test, average speed, range of speed, hot or cold start, temperature, and design or equipment differences.

(2) The Commission regards the following as constituting “substantially more prominence”:

(i) If the fuel economy claims appear only in the visual portion, the EPA figures should appear in numbers twice as large as those used for any other estimate, and should remain on the screen at least as long as any other estimate. Each EPA figure should be broadcast against a solid color background that contrasts easily with the color used for the numbers when viewed on both color and black and white television.

(ii) For radio and television advertisements in which any other estimate is used only in the audio, equal prominence should be given to the EPA figures. The Commission will regard the following as constituting equal prominence: The EPA estimated city and/or highway MPG should be stated, either before or after each disclosure of such other estimate, at least as audibly as such other estimate.

(iii) The EPA figures should appear in clearly legible type at least twice as large as that used for any other estimate. The EPA figures should appear against a solid color, and contrasting background. They may not appear in a footnote unless all references to fuel economy appear in a footnote.

Example 1: An Internet advertisement states: “Independent driving experts took the QXT car for a weekend spin and managed to get 55 miles-per-gallon under a variety of driving conditions.” It does not disclose the actual EPA fuel economy estimates, nor does it explain how conditions during the “weekend spin” differed from those under the EPA tests. This advertisement likely conveys that the 55 MPG figure is the same or comparable to an EPA fuel economy estimate for the vehicle. This claim is deceptive because it fails to disclose that fuel economy information is based on a non-EPA test, the source of the non-EPA test, the EPA fuel economy estimates for the vehicle, and all driving conditions or vehicle

configurations simulated by the non-EPA test that are different from those used in the EPA test.

Example 2: An advertisement states: “The XZY electric car has a driving range of 110 miles per charge in summer conditions according to our expert’s test.” It provides no additional information regarding this driving range claim. This advertisement likely conveys that this 110-mile driving range figure is comparable to an EPA driving range estimate for the vehicle. The advertisement is deceptive because it does not clearly state that the test is a non-EPA test; it does not provide the EPA estimated driving range; and it does not explain how conditions referred to in the advertisement differed from those under the EPA tests. Without this information, consumers are likely to confuse the claims with range estimates derived from the official EPA test procedures.

By direction of the Commission.

Donald S. Clark,

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¹ 15 U.S.C. 68b(a)(2)(C) (Wool Products Labeling Act of 1939) (“Wool Act”); 15 U.S.C. 69b(2)(E) (Fur Products Labeling Act) (“Fur Act”); 15 U.S.C. 70b(b)(3) (Textile Fiber Products Identification Act) (“Textile Act”); 16 CFR part 300 (Wool Rules); 16 CFR part 301 (Fur Rules); 16 CFR part 303 (Textile Rules). The FTC’s public Web site offers a detailed description of products that are subject to, or exempt from, these labeling requirements. Federal Trade Commission, Threading Your Way Through the Labeling Requirements Under the Textile and Wool Acts, <http://www.ftc.gov/bureaucracy/labeling-requirements-under-the-textile-and-wool-acts>.

² 16 CFR 300.4 (Wool Rules provision); 16 CFR 301.26 (Fur Rules provision); 16 CFR 303.30 (Textile Rules provision).

³ 17 FR 6075, 6077 (July 8, 1952) (Fur Rule provision 16 CFR 301.26); 24 FR 4480, 4484 (June 2, 1959) (Textile Rule provision 16 CFR 303.20); 29 FR 6622 (May 21, 1964) (Wool Rule provision 16 CFR 300.4).

⁴ In recent years, the FTC has issued approximately 3,000 RNs per year.

Recently, the FTC upgraded its RN Web page at <http://www.ftc.gov/rn> to make it easier for the public to obtain, update, and cancel RNs. As part of this initiative, and to further improve and streamline its handling of RN requests, the FTC is retiring the paper forms previously published in the **Federal Register** and discontinuing the handling of RN requests submitted by mail, hand delivery, or facsimile.

The FTC's upgraded Web site allows the public to create a password-protected user account to obtain or update an RN without requiring more company information than before. To process a new RN application, the Web site asks the applicant in pertinent part to identify its legal name, the name under which it does business, the business' street address, the type of business it conducts (e.g., manufacturing or importing), the product line(s) it handles that are subject to the Fur, Textile, or Wool Acts, and additional contact information (e.g., phone number and email address). The upgraded Web site validates data as applicants enter it, and can immediately advise an applicant in numerous instances if the data is erroneous (e.g., a truncated phone number) or does not appear to meet the requirements for issuance of an RN (e.g., the applicant does not provide a street address in the United States). Users can also visit the Web site and login to request the cancellation of their RNs. Because the information requested to process RN requests has not changed, the FTC is not changing the requirements for RN requests, only specifying the method by which requests must be submitted.

The amended Rules provide that requests made by means other than the FTC's Web site will not be accepted unless otherwise indicated by the Commission or its designee. This provision affords the Commission or its designee the discretion to act on requests submitted by other means when appropriate (e.g., if the FTC's Web site is temporarily unavailable). At this time, the Commission's designee is the Associate Director of the Bureau of Consumer Protection's Division of Enforcement.

III. Procedural Requirements

Under the Administrative Procedure Act, notice and comment requirements do not apply "to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice." 5 U.S.C. 553(b)(A). The final Rules do not change the substantive responsibilities of any entity under the Rules. The revisions merely modify the procedural mechanism for submitting

requests relating to RNs. Accordingly, the Commission finds that advance public notice and comment is unnecessary. For this reason, the requirements of the Regulatory Flexibility Act ("RFA") also do not apply.⁵

IV. Paperwork Reduction Act

The amendments to the Rules do not constitute a new "collection of information" under the Paperwork Reduction Act, 44 U.S.C. 3501-3521 ("PRA"). The Rules contain various existing information collection requirements for which the Commission has obtained clearance under the PRA from the Office of Management and Budget. Because these amendments do not trigger additional recordkeeping, disclosure, or reporting requirements, there is no incremental burden under the PRA. 44 U.S.C. 3501.

List of Subjects

- 16 P 300 Labeling, Trade practices, Wool.
- 16 P 301 Fur, Labeling, Trade practices.
- 16 P 303 Labeling, Textiles, Trade practices.

Final Rule Revisions

For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, Chapter I, Subchapter C of the Code of Federal Regulations, parts 300, 301, and 303 as follows:

PART 300—RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939

1. The authority citation for part 300 continues to read as follows:

Authority: 15 U.S.C. 68-68j.

2. In § 300.4, revise paragraphs (c) and (e) to read as follows:

§ 300.4 Registered identification numbers.

(c) Registered identification numbers shall be used only by the person or firm to whom they are issued, and such numbers are not transferable or assignable. Registered identification numbers shall be subject to cancellation whenever any such number was procured or has been used improperly or contrary to the requirements of the Acts administered by the Federal Trade

⁵ A regulatory flexibility analysis under the RFA is required only when an agency must publish a notice of proposed rulemaking for comment. 5 U.S.C. 603.

Commission, and regulations in this part, or when otherwise deemed necessary in the public interest. Registered identification numbers shall be subject to cancellation if the Commission fails to receive prompt notification of any change in name, business address, or legal business status of a person or firm to whom a registered identification number has been assigned, by application duly executed in the form and manner set out in paragraph (e) of this section, reflecting the current name, business address, and legal business status of the person or firm.

* * * * *

(e) Requests for a registered identification number, to update information pertaining to an existing number, or to cancel an existing number shall be made through the Commission's Web site at <http://www.ftc.gov/rn>. Unless otherwise directed by the Commission or its designee, requests made by other means (including but not limited to email) will not be accepted and approved.

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELING ACT

3. The authority citation for part 301 continues to read as follows:

Authority: 15 U.S.C. 69.

4. In § 301.26, revise paragraphs (a), (b)(2), and (d) to read as follows:

§ 301.26 Registered identification numbers.

(a) Registered numbers for use as the required identification in lieu of the name on fur product labels as provided in section 4(2)(E) of the Act will be issued by the Commission to qualified persons residing in the United States upon receipt of an application duly executed on the Commission's Web site at <http://www.ftc.gov/rn> or by such means as the Commission or its designee may direct.

(b) * * *

(2) Registered identification numbers shall be subject to cancellation if the Federal Trade Commission fails to receive prompt notification of any change in name, business address, or legal business status of a person or firm to whom a registered identification number has been assigned, by application duly executed in the form and manner set out in paragraph (d) of this section, reflecting the current name, business address, and legal business status of the person or firm.

* * * * *

(d) Requests for a registered identification number, to update information pertaining to an existing number, or to cancel an existing number shall be made through the Commission's Web site at [://www.fda.gov](http://www.fda.gov). Unless otherwise directed by the Commission or its designee, requests made by other means (including but not limited to email) will not be accepted and approved.

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

5. The authority citation for part 303 continues to read as follows:

Authority: 15 U.S.C. 70 *et seq.*

6. Revise § 303.20 to read as follows:

§ 303.20 Registered identification numbers.

(a) Registered numbers for use as the required identification in lieu of the name on textile fiber product labels, as provided in section 4(b)(3) of the Act, will be issued by the Commission to qualified persons residing in the United States upon receipt of an application duly executed on the Commission's Web site at [://www.fda.gov](http://www.fda.gov) or by such means as the Commission or its designee may direct.

(b)(1) Registered identification numbers shall be used only by the person or concern to whom they are issued, and such numbers are not transferable or assignable.

(2) Registered identification numbers shall be subject to cancellation whenever any such number was procured or has been used improperly or contrary to the requirements of the Acts administered by the Federal Trade Commission, and regulations promulgated thereunder, or when otherwise deemed necessary in the public interest.

(3) Registered identification numbers shall be subject to cancellation if the Commission fails to receive prompt notification of any change in name, business address, or legal business status of a person or firm to whom a registered identification number has been assigned, by application duly executed on the Commission's Web site at [://www.fda.gov](http://www.fda.gov) or by such means as the Commission or its designee may direct.

(c) Registered identification numbers assigned under this section may be used on labels required in labeling products subject to the provisions of the Wool Products Labeling Act and Fur Products Labeling Act, and numbers previously assigned by the Commission under such

Acts may be used as and for the required name in labeling under this Act. When so used by the person or firm to whom assigned, the use of the numbers shall be construed as identifying and binding the applicant as fully and in all respects as though assigned under the specific Act for which it is used.

(d) Requests for a registered identification number, to update information pertaining to an existing number, or to cancel an existing number shall be made through the Commission's Web site at [://www.fda.gov](http://www.fda.gov). Unless otherwise directed by the Commission or its designee, requests made by other means (including but not limited to email) will not be accepted and approved.

By direction of the Commission.

Donald S. Clark,

Commissioner.

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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 17-12]

RIN 1515-AE32

Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials From the Republic of Mali

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain archaeological materials from Mali. These restrictions, which were originally imposed by Treasury Decision (T.D.) 93-74, and last extended by CBP Decision (Dec.) 12-14, are due to expire on September 19, 2017. The Acting Under Secretary for Public Diplomacy and Public Affairs, United States Department of State, has determined that conditions warrant the continued imposition of import restrictions on certain archaeological materials and the addition of import restrictions on certain ethnological materials from Mali. The Designated List of cultural

property described in CBP Dec. 07-77 is revised in this document to reflect the addition of ethnological materials to include manuscripts dating between the twelfth and twentieth centuries in paper. The import restrictions imposed on the archaeological and ethnological materials from Mali will be in effect for a five-year period, and the CBP regulations are being amended accordingly to reflect this extension through September 19, 2022. These restrictions are being imposed pursuant to determinations of the United States Department of State made under the terms of the Convention on Cultural Property Implementation Act, which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

DATES: Effective September 19, 2017.

FOR FURTHER INFORMATION CONTACT: For regulatory aspects, Lisa L. Burley, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325-0215, lburley@cbp.dhs.gov. For operational aspects, William R. Scopa, Branch Chief, Partner Government Agencies Branch, Trade Policy and Programs, Office of Trade, (202) 863-6554, wscopa@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the provisions of the Convention on Cultural Property Implementation Act (hereafter, "the Cultural Property Implementation Act" or "the Act" (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*)), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter, the Convention) in U.S. law, the United States may enter into international agreements with another State Party to the Convention to impose import restrictions on eligible archaeological and ethnological materials under procedures and requirements prescribed by the Act.

In certain limited circumstances, the Cultural Property Implementation Act authorizes the imposition of restrictions on an emergency basis (19 U.S.C. 2603(c)(1)). Under the Act and the applicable CBP regulations (19 CFR 12.104g(b)), emergency restrictions are effective for no more than five years from the date of the State Party's request and may be extended for three years