

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.*

[FR Doc. 00-29470 Filed 11-30-00; 8:45 am]

**BILLING CODE 6750-01-M**

**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.*

[FR Doc. 00-30580 Filed 11-30-00; 8:45 am]

**BILLING CODE 4160-01-F**

**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

which has been properly classified in the interest of national defense and foreign policy, and therefore is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1) and (k)(2). To the extent that information in a record pertaining to an individual does not relate to national defense or foreign policy, official Federal investigations, and/or law enforcement matters, the exemption does not apply. In addition, where compliance would not appear to interfere with or adversely affect the overall law or regulatory enforcement process, the applicable exemption may be waived by the Environment and Natural Resources Division.

(b) Only that information that relates to the investigation, prosecution or defense of actual or potential criminal or civil litigation, or which has been properly classified in the interest of national defense and foreign policy is exempted for the reasons set forth from the following subsections:

(1) Subsection (c)(3). Subsection (c)(3) requires an agency to provide an accounting of disclosures of records concerning an individual. To provide the subject of a criminal or civil matter or case under investigation with an accounting of disclosures of records would inform that individual (and others to whom the subject might disclose the records) of the existence, nature, or scope of that investigation and thereby seriously impede law enforcement efforts by permitting the record subject and others to avoid criminal penalties and civil remedies.

(2) Subsections (c)(4) (requiring an agency to inform individuals about any corrections made to a record that has been disclosed) and (g) (providing for civil remedies when an agency fails to comply with these provisions). These provisions are inapplicable to the extent that this system of records is exempted from subsection (d).

(3) Subsection (d). Subsection (d) requires an agency to allow individuals to gain access to a record about him or herself; to dispute the accuracy, relevance, timeliness or completeness of such records; and to have an opportunity to amend his or her record or seek judicial review. To the extent that information contained in this system has been properly classified, relates to the investigation and/or prosecution of grand jury, civil fraud, and other law enforcement matters, disclosure could compromise matters which should be kept secret in the interest of national security or foreign policy; compromise confidential investigations or proceedings; impede affirmative enforcement actions based upon alleged violations of regulations or

of civil or criminal laws; reveal the identity of confidential sources; and result in unwarranted invasions of the privacy of others. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) Subsection (e)(1). Subsection (e)(1) requires an agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish the agency's purpose. In the course of criminal or civil investigations, cases, or other matters, the Environment and Natural Resources Division may obtain information concerning the actual or potential violation of laws which are not strictly within its statutory authority. In the interest of effective law enforcement, it is necessary to retain such information since it may establish patterns of criminal activity or avoidance of other civil obligations and provide leads for Federal and other law enforcement agencies.

(5) Subsection (e)(2). Subsection (e)(2) requires an agency to collect information to the greatest extent practicable from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs. To collect information from the subject of a criminal investigation or prosecution would present a serious impediment to law enforcement in that the subject (and others with whom the subject might be in contact) would be informed of the existence of the investigation and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(6) Subsection (e)(3). Subsection (e)(3) requires an agency to inform each individual whom it asks to supply information, on a form that can be retained by the individual, the authority which authorizes the solicitation, the principal purpose for the information, the routine uses of the information, and the effects on the individual of not providing the requested information. To comply with this requirement during the course of a criminal investigation or prosecution could jeopardize the investigation by disclosing the existence of a confidential investigation, revealing the identity of witnesses or confidential informants, or impeding the information gathering process.

(7) Subsection (e)(5). Subsection (e)(5) requires an agency to maintain records

with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. In compiling information for criminal law enforcement purposes, the accuracy, completeness, timeliness and relevancy of the information obtained cannot always be immediately determined. As new details of an investigation come to light, seemingly irrelevant or untimely information may acquire new significance and the accuracy of such information can often only be determined in a court of law. Compliance with this requirement would therefore restrict the ability of government attorneys in exercising their judgment in developing information necessary for effective law enforcement.

(8) Subsection (e)(8). Subsection (e)(8) requires agencies to make reasonable efforts to serve notice on an individual when any record on the individual is made available to any person under compulsory legal process. To serve notice would give persons sufficient warning to evade law enforcement efforts.

(9) Subsections (f) and (g). Subsection (f) requires an agency to establish procedures to allow an individual to have access to information about him or herself and to contest information kept by an agency about him or herself. Subsection (g) provides for civil remedies against agencies who fail to comply with the Privacy Act requirements. These provisions are inapplicable to the extent that this system is exempt from the access and amendment provisions of subsection (d).

\* \* \* \* \*

[FR Doc. 00-30607 Filed 11-30-00; 8:45 am]

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 16

[AAG/A Order No. 208-2000]

### 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)(1)(2)(3) and (4); (e)(1), (2), (3), (5), and (8); and (g) of the Privacy Act, pursuant to 5 U.S.C. 552a(j) and (k). This system of records is maintained by the Office of Special Counsel—Waco (OSCW) and is entitled “CaseLink Document Database for Office of Special Counsel—Waco, JUSTICE/OSCW-001.”