

Dated: September 5, 1990.

L. Joyce Hampers,
Assistant Secretary for Economic
Development.

[FR Doc. 90-21954 Filed 9-17-90; 8:45 am]

BILLING CODE 3510-24-M

Office of the Secretary

15 CFR Parts 4, 4b, 6, 7, 10, 16 & 19

National Institute of Standards and Technology

15 CFR Parts 200, 230, 255, 256, 265, 270 & 275

[Docket No. 91284-9284]

Organization and Functions; National Institute of Standards and Technology

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Final rule; nomenclature change.

SUMMARY: The Omnibus Trade and Competitiveness Act of 1988 (the "Act") (Pub. L. No. 100-418, enacted on August 23, 1988), section 5111(1)(b)(1), renamed the National Bureau of Standards as the National Institute of Standards and Technology. Further, section 5112(d) of the Act required the Director of NIST to

submit to the Congress an Organization Plan, "establishing the major operating units of the Institute * * *". Pursuant to this directive, a reorganization of many of the Institute's functions and activities took place, in which, *inter alia*, the Office of Product Standards Policy (OPSP) was terminated, and its duties and responsibilities were assumed by the National Voluntary Laboratory Accreditation Program (NVLAP). Therefore, relevant sections of the Code of Federal Regulations must be revised to reflect these statutory changes. An amendment to part 7.7 is necessary to reflect the current OMB control number for the information collection requirements subject to the Paperwork Reduction Act contained in the NVLAP procedures.

EFFECTIVE DATE: August 23, 1988.

FOR FURTHER INFORMATION CONTACT: Philip J. Greene, (202) 377-5394.

SUPPLEMENTARY INFORMATION: Because this rulemaking document concerns agency organization and management, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that order.

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the

Administrative Procedure Act (5 U.S.C. 553), or by any other law, no regulatory flexibility analysis has to be or will be prepared for purposes of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)).

This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612. This rule does not contain collections of information for purposes of the Paperwork Reduction Act. The change of name from the National Bureau of Standards to the National Institute of Standards and Technology in the chapter heading for 15 CFR chapter II was published July 24, 1990 at 55 FR 30145.

For the reasons set forth in the Preamble, 15 CFR subtitle A and chapter II are amended as follows:

15 CFR SUBTITLE A AND CHAPTER II [AMENDED]

1. In the list below, for each part or section indicated in the left column, remove the agency name (or abbreviation thereof), title or information indicated in the middle column from the headings and wherever it appears in that part or section, and add the name, title or information indicated in the right column, unless no addition is indicated:

In part or Section	Remove	Add
15 CFR Subtitle A:		
4, App. B.....	National Bureau of Standards.....	National Institute of Standards & Technology.
4, App. C.....	National Bureau of Standards.....	National Institute of Standards & Technology.
4b, App. A.....	National Bureau of Standards.....	National Institute of Standards & Technology.
6.2.....	National Bureau of Standards.....	National Institute of Standards & Technology.
6.7.....	National Bureau of Standards.....	National Institute of Standards & Technology.
6.8.....	National Bureau of Standards.....	National Institute of Standards & Technology.
7.2.....	National Bureau of Standards.....	National Institute of Standards & Technology.
7.2.....	NBS.....	NIST.
7.4.....	National Bureau of Standards.....	National Institute of Standards & Technology.
7.4.....	Director of OPSP means the Director of the NBS Office of Product Standards Policy or designee.	(No addition).
7.4.....	OPSP means the NBS Office of Product Standards Policy.....	(No addition).
7.4.....	NBS.....	NIST.
7.5.....	NBS.....	NIST.
7.5(e).....	The Advisory Committee shall meet periodically as called upon by the Director of the NBS Office of Product Standards Policy (OPSP) or may be consulted through periodic mailings from the Director of OPSP.	The Advisory Committee shall meet periodically as called upon or may be consulted through periodic mailings.
7.6.....	The Director of OPSP.....	NVLAP.
7.7.....	0652-0003.....	0693-0003.
7.11.....	the Director of OPSP.....	NVLAP.
7.11.....	NBS.....	NIST.
7.12.....	the Director of OPSP.....	NVLAP.
7.12.....	NBS.....	NIST.
7.13.....	The Director of OPSP.....	NVLAP.
7.13.....	NBS.....	NIST.
7.14.....	The Director of OPSP.....	NVLAP.
7.14.....	NBS.....	NIST.

In part or Section	Remove	Add
7.15.....	The Director of OPSP	NVLAP.
7.15.....	NBS.....	NIST.
7.16.....	the Director of OPSP.....	NVLAP.
7.17.....	The Director of OPSP	NVLAP.
7.18.....	The Director of OPSP	NVLAP.
7.19.....	the Director of OPSP.....	NVLAP.
7.19.....	NBS.....	NIST.
7.21.....	the Director of OPSP.....	NVLAP.
7.22.....	The Director of OPSP	NVLAP.
7.23.....	The Director of OPSP	NVLAP.
7.24.....	the Director of OPSP.....	NVLAP.
7.25.....	The Director of OPSP	NVLAP.
7.31.....	the Director of OPSP.....	NVLAP.
7.32.....	the Director of OPSP.....	NVLAP.
7.32.....	NBS.....	NIST.
7.33.....	the Director of OPSP.....	NVLAP.
10.0.....	National Bureau of Standards.....	National Institute of Standards & Technology.
10.0.....	NBS.....	NIST.
10.2.....	National Bureau of Standards.....	National Institute of Standards & Technology.
10.2.....	National Bureau of Standards.....	National Institute of Standards & Technology.
10.3.....	National Bureau of Standards.....	National Institute of Standards & Technology.
10.13.....	National Bureau of Standards.....	National Institute of Standards & Technology.
10.14.....	NBS.....	NIST.
10.15.....	NBS.....	NIST.
16.6.....	National Bureau of Standards.....	National Institute of Standards & Technology.
19.21.....	National Bureau of Standards.....	National Institute of Standards & Technology.
19.21.....	NBS.....	NIST.
15 CFR Chapter II:		
200.100.....	National Bureau of Standards.....	National Institute of Standards & Technology.
200.100.....	NBS.....	NIST.
200.101.....	NBS.....	NIST.
200.102.....	National Bureau of Standards.....	National Institute of Standards & Technology.
200.102.....	NBS.....	NIST.
200.103.....	National Bureau of Standards.....	National Institute of Standards & Technology.
200.103.....	NBS.....	NIST.
200.104.....	NBS.....	NIST.
200.105.....	NBS.....	NIST.
200.106.....	National Bureau of Standards.....	National Institute of Standards & Technology.
200.106.....	NBS.....	NIST.
200.107.....	National Bureau of Standards.....	National Institute of Standards & Technology.
200.107.....	NBS.....	NIST.
200.108.....	NBS.....	NIST.
200.109.....	National Bureau of Standards.....	National Institute of Standards & Technology.
200.109.....	NBS.....	NIST.
200.110.....	NBS.....	NIST.
200.111.....	NBS.....	NIST.
200.112.....	National Bureau of Standards.....	National Institute of Standards & Technology.
200.112.....	NBS.....	NIST.
200.113.....	NBS.....	NIST.
200.114.....	National Bureau of Standards.....	National Institute of Standards & Technology.
200.114.....	NBS.....	NIST.
200.115.....	National Bureau of Standards.....	National Institute of Standards & Technology.
200.115.....	NBS.....	NIST.
230.1.....	National Bureau of Standards.....	National Institute of Standards & Technology.
230.1.....	NBS.....	NIST.
230.4.....	National Bureau of Standards.....	National Institute of Standards & Technology.
230.7.....	National Bureau of Standards.....	National Institute of Standards & Technology.
230.7.....	NBS.....	NIST.
255.1.....	National Bureau of Standards.....	National Institute of Standards & Technology.
255.3.....	National Bureau of Standards.....	National Institute of Standards & Technology.

In part or Section	Remove	Add
255.5.....	National Bureau of Standards.....	National Institute of Standards & Technology.
255.6.....	National Bureau of Standards.....	National Institute of Standards & Technology.
255.7.....	National Bureau of Standards.....	National Institute of Standards & Technology.
256.1.....	National Bureau of Standards.....	National Institute of Standards & Technology.
256.1.....	NBS.....	NIST.
256.2.....	NBS.....	NIST.
256.3.....	NBS.....	NIST.
256.4.....	NBS.....	NIST.
256.5.....	NBS.....	NIST.
256.6.....	National Bureau of Standards.....	National Institute of Standards & Technology.
265 (heading).....	National Bureau of Standards.....	National Institute of Standards & Technology.
265.1.....	National Bureau of Standards.....	National Institute of Standards & Technology.
265.2.....	National Bureau of Standards.....	National Institute of Standards & Technology.
265.42.....	National Bureau of Standards.....	National Institute of Standards & Technology.
265.42.....	NBS.....	NIST.
270.0.....	National Bureau of Standards.....	National Institute of Standards & Technology.
270.0.....	NBS.....	NIST.
270.2.....	National Bureau of Standards.....	National Institute of Standards & Technology.
270.3.....	NBS.....	NIST.
270.5.....	NBS.....	NIST.
270.7.....	NBS.....	NIST.
270.8.....	NBS.....	NIST.
275 (heading).....	NBS.....	NIST.
275.1.....	National Bureau of Standards.....	National Institute of Standards & Technology.
275.1.....	NBS.....	NIST.
275.2.....	NBS.....	NIST.
275.3.....	National Bureau of Standards.....	National Institute of Standards & Technology.
275.3.....	NBS.....	NIST.
275.4.....	National Bureau of Standards.....	National Institute of Standards & Technology.
275.4.....	NBS.....	NIST.
275.5.....	NBS.....	NIST.

Dated: September 12, 1990.

Robert M. White,

Under Secretary of Commerce for Technology.

[FR Doc. 90-22009 Filed 9-17-90; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

[T.D. 90-75]

RIN 1515-AA63

Country of Origin Marking of Native American-Style Arts and Crafts

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs regulations by adding Native American-style arts and crafts to those categories of articles which are subject

to specific country of origin marking requirements. The regulations require, subject to certain exceptions, Native American-style arts and crafts to be indelibly marked with the country of origin by means of cutting, die-sinking, engraving, stamping, or some other equally permanent method.

EFFECTIVE DATE: October 18, 1990.

FOR FURTHER INFORMATION CONTACT: Robert Dinerstein, Value, Special Programs & Admissibility Branch, U.S. Customs Service (202) 566-5765.

SUPPLEMENTARY INFORMATION:

Background

Articles of foreign origin imported into the U.S. are required to be marked in a conspicuous place as legibly, indelibly, and as permanently as the nature of the article will permit in a manner indicating to the ultimate purchaser in the U.S. the country of origin in English, pursuant to section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304). Part 134, Customs Regulations (19 CFR part 134), implements the country of origin

marking requirements and exceptions of 19 U.S.C. 1304.

By a document published in the *Federal Register* on August 31, 1989 (54 FR 36039), comments were requested on a proposed amendment to 19 CFR part 134 to require indelible country of origin marking on Native American-style arts and crafts. The comment period was reopened for an additional 60 days by a document published in the *Federal Register* on January 19, 1990 (55 FR 1837).

Analysis of Comments

Comments were received from the U.S. Department of the Interior, Indian Arts and Crafts Board, the Tulalip Tribes, Maysville, Washington, the Navajo Nation, and the Hopi Tribe. The Indian Arts and Crafts Board supports the amendment but recommends three changes. The Board suggests that "beadwork" be added to the types of products mentioned as examples of Native American-style arts and crafts. According to the comments of the Board,

beadwork is a major category of products produced by Native American craftsmen, and because it is labor intensive, imitations are often produced in countries with low wage scales. The Board states that it is not aware of a significant production of blankets by Native Americans and believes the inclusion of blankets among the examples cited in § 134.43(d)(1) would result in confusion. The Board also recommends that in the definition of Native American-style arts and crafts in § 134.43(d)(1), the word "traditional" should be omitted and replaced by the word "typical".

Customs has incorporated the first two recommendations by adding "beadwork" to the list of examples provided in § 134.43(d)(1) and deleting "blankets" from the list. However, Customs has determined that it would be inappropriate to change "traditional" to "typical". The use of "typical" in defining Native American-style arts and crafts and the use of "traditional" in defining Native American-style jewelry would be inconsistent. Although the term "traditional" necessitates examination of past characteristics of Native American jewelry or arts and crafts, as those designs, materials and/or methods of construction change over time, the identification of those arts and crafts covered by the regulations will also change. Additionally, the use of "typical" would be unnecessarily vague due to difficulty in ascertaining design motifs, materials and/or methods of construction which are typical of those used by Native Americans at any given time.

The Tulalip Tribes request that the final regulation include a section on raw materials. The Tulalip Tribes noted that imported counterfeit "turquoise" stones are often incorporated into finished jewelry and sold as "Indian goods", and foreign raw materials are often repacked and sold as Indian made. The regulations governing country of origin marking of Native American-style arts and crafts cannot address every problem associated with the misrepresentation of articles sold in the U.S. as genuinely Native American. The manner of country of origin marking on imported raw materials used in finished jewelry is not within the scope of section 1907(c) of the Omnibus Trade and Competitiveness Act. Requiring indelible country of origin marking of all imported raw materials which could be used in the manufacture of Native American articles goes beyond statutory requirements. Inasmuch as the regulations cannot override the provisions of the statute, inclusion of

raw materials in the regulation covering the Native American-style arts and crafts would be inappropriate.

The Navajo Nation generally supports the amendment as an appropriate method for protecting Native Americans who depend on the sale of their arts and crafts and consumers who purchase imported goods which they believe to be handmade by Native Americans. In that it may be difficult for Customs inspectors to recognize symbols or items which could be mistaken for Native American designs, the Navajo Nation suggests that guidelines be provided in order to determine items which can be sold as Native American designs. The Navajo Nation also seeks to have borderline cases fall within the requirements of this amendment.

Customs is of the opinion that drafting of guidelines at this time would be premature as that only through experience can the best methods for ensuring compliance be determined. If circumstances necessitate, Customs at a later date may consider establishing guidelines for administering the marking requirements of Native American-style arts and crafts. Additionally, the language of the proposed amendment is drafted to take account of borderline cases by including the phrase "could possibly be mistaken for." Items that could possibly be mistaken for arts and crafts made by Native Americans will fall within the marking requirements of the proposed amendment.

The Hopi Tribe endorsed the concept of indelible marking on imported products that could be mistaken for arts and crafts made by Native Americans but expressed concern over imitation items produced in the U.S. which incorporate traditional design motifs, material or construction and could be mistaken for genuine arts and crafts made by Native Americans. The Hopi Tribe requests that Customs apply the provisions of 15 U.S.C. 45 regarding unfair methods of competition to imported imitation arts and crafts.

The concerns of the Hopi Tribe are beyond the scope of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), the country of origin marking statute enforced by Customs, which pertains only to articles of foreign origin. The provisions of 15 U.S.C. 45 and its implementing regulations are within the jurisdiction of the Federal Trade Commission.

Section 134.43(d)(1) as set forth in the proposed rule (54 FR 36039) defined Native American-style arts and crafts as "arts and crafts * * * which incorporate traditional Native American design motifs, materials or construction and

therefore look like, and could possibly be mistaken for, arts and crafts made by Native Americans." Because the imported articles covered by the regulation may incorporate one or more of traditional Native American design motifs, materials or construction, the "and/or" conjunction used in § 134.43(c)(1) is preferable to the "or" conjunction used in proposed § 134.43(d)(1). Accordingly, the "or" conjunction contained in the previously proposed addition of § 134.43(d)(1) is being replaced by the conjunction "and/or" in this final rule.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analyses has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the regulation amendment will not have a significant impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analyses or other requirements.

Drafting Information

The principal author of this document was Michael Smith, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 134

Customs duties and inspection, Labeling, packaging and containers.

Amendment

Accordingly, part 134, Customs Regulations (19 CFR part 134), is amended as set forth below:

PART 134—COUNTRY OF ORIGIN MARKING

1. The authority citation for part 134 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 8, HTSUS), 1304, 1624.

2. Section 134.43 is amended by adding a new paragraph (d) to read as follows:

§ 134.43 Methods of marking specific articles.

(d) *Native American-style arts and crafts.*—(1) *Definition.* For the purpose of this provision, Native American-style arts and crafts are arts and crafts, such as pottery, rugs, kachina dolls, baskets and beadwork, which incorporate

traditional Native American design motifs, materials and/or construction and therefore look like, and could possibly be mistaken for, arts and crafts made by Native Americans.

(2) *Method of Marking.* Except as provided for in 19 U.S.C. 1304(a)(3) and § 134.32 of this part, Native American-style arts and crafts must be indelibly marked with the country of origin by means of cutting, die-sinking, engraving, stamping, or some other equally permanent method. On textile articles, such as rugs, a sewn in label is considered to be an equally permanent method.

(3) *Exception.* Where it is technically or commercially infeasible to mark in the manner specified in paragraph (d)(2) of this section, the article may be marked by means of a string tag or adhesive label securely affixed, or some other similar method.

Approved: August 22, 1990.

Carol Hallett,

Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 90-21940 Filed 9-17-90; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 71

[Order No. 1444-90]

Department of Justice regulations implementing the Program Fraud Civil Remedies Act of 1986

AGENCY: Office of the Attorney General, Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice promulgated final rules implementing the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801-3812, on April 8, 1988 (53 FR 11645). These rules established administrative procedures for imposing statutorily authorized civil penalties against any person who makes, submits, or presents a false or fraudulent claim or written statement to the Department. The Inspector General Act Amendments of 1988, Pub. L. No. 100-504, 5 U.S.C. App. 3 section 11, necessitate amendment to the Department's Program Fraud Civil Remedies Act regulations.

EFFECTIVE DATE: September 18, 1990.

FOR FURTHER INFORMATION CONTACT: Janis A. Sposato, General Counsel, Justice Management Division. Telephone (202) 514-3452.

SUPPLEMENTARY INFORMATION: The Program Fraud Civil Remedies Act of 1986 requires specified Federal agencies to follow certain procedures to recover penalties and assessments against persons who file false claims or statements. The statute provides for designated investigative and reviewing officials, an administrative hearing process, and an agency appeal procedure with limited judicial review.

On April 14, 1989, the Department of Justice established an Office of the Inspector General pursuant to the Inspector General Act Amendments of 1988, Pub. L. No. 100-504, 5 U.S.C. App. 3, section 11. The Department's current Program Fraud Civil Remedies Act regulations identify the Counsel of the Department's Office of Professional Responsibility (OPR) as the "investigating official." The Program Fraud Civil Remedies Act provides that where an agency has an Inspector General, the Inspector General shall serve as "investigating official" (31 U.S.C. 3801(a)(4)). Part 71 is hereby amended to assign the role of "investigating official" to the Inspector General.

Part 71 is also being modified with respect to the definition of "reviewing official." The responsibilities of the "reviewing official" which are vested in the Associate Attorney General under the current regulations are being transferred to the Assistant Attorney General for Administration.

Because these amendments merely transfer responsibilities within the Department and do not affect the substantive rights of individuals or due process procedures contained in part 71, they are being published in final form, without public opportunity for notice and comment.

These rules do not constitute "major rules" within the meaning of Executive Order 12291. Nor do the requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b), apply. These rules contain no information collection or recordkeeping requirements as defined by the Paperwork Reduction Act of 1978, and fall within the exceptions to coverage.

List of Subjects in 28 CFR Part 71

Claims, Fraud, Organization and function (government agencies), Penalties.

By virtue of the authority vested in me as Attorney General by 5 U.S.C. 301 and 28 U.S.C. 509 and 510, title 28 of the Code of Federal Regulations is hereby amended as follows:

PART 71—IMPLEMENTATION OF THE PROVISIONS OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

1. The authority citation for part 71 continues to read as follows:

Authority: 5 U.S.C. 301, 28 U.S.C. 509, 510, 31 U.S.C. 3801-3812.

2. Section 71.2 is amended by revising the definitions of "Investigating Official" and "Reviewing Official" to read as follows:

§ 71.2 Definitions.

* * * * *

Investigating Official means the Inspector General.

* * * * *

Reviewing Official means the Assistant Attorney General for Administration. For purposes of § 71.5 of these rules, the Assistant Attorney General for Administration, personally or through his immediate staff, shall perform the functions of the reviewing official provided that such person is serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS-16 under the General Schedule. All other functions of the reviewing official, including administrative prosecution under these rules, shall be performed with respect to the components listed below by the individuals listed below acting on behalf of the Assistant Attorney General for Administration:

(a) For the offices, boards, divisions and any other components not covered below, the General Counsel, Justice Management Division;

(b) For the Bureau of Prisons (BOP), the General Counsel, BOP;

(c) For the Drug Enforcement Administration (DEA), the Chief Counsel, DEA;

(d) For the Federal Bureau of Investigation (FBI), the Assistant Director, Legal Counsel Division;

(e) For the Immigration and Naturalization Service (INS), the General Counsel, INS; and

(f) For the United States Marshals Service (USMS), the Associate Director for Administration.

* * * * *

Dated: September 12, 1990.

Dick Thornburgh,
Attorney General.

[FR Doc. 90-21981 Filed 9-17-90; 8:45 am]

BILLING CODE 4410-01-M