

customization costs to the first unit manufactured under the contract.” is corrected to read “taxpayer must allocate all customization costs necessary to manufacture the first unit manufactured under the contract to that first unit.”.

**§ 1.460-2 [Corrected]**

2. On page 2230, column 2, § 1.460-2(b)(2)(ii), second line from the bottom of the paragraph, the language “the item must be allocated to the first” is corrected to read “the first unit of the item must be allocated to that first”.

3. On page 2230, column 2, § 1.460-2(c)(1), fourth line from the bottom of the column, the language “time required to design and” is corrected to read “time normally required to design and”.

**§ 1.460-4 [Corrected]**

4. On page 2232, column 2, § 1.460-4(b)(3), line 9, the language “the treatment of post-completion costs,” is corrected to read “the treatment of post-completion-year costs,”.

5. On page 2235, column 2, § 1.460-4(g), lines 2 through 5, the language “that uses the PCM, EPCM, CCM, PCCM, or elects the 10-percent method or special AMTI method (or changes to another method of accounting with the Commissioner’s consent) must apply the” is corrected to read “that uses the PCM, EPCM, CCM, or PCCM, or elects the 10-percent method or special AMTI method (or changes to another method of accounting with the Commissioner’s consent) must apply the”.

**LaNita VanDyke,**

*Acting Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).*

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1910**

[Docket No. H-052G]

**RIN 1218-AB90**

**Occupational Exposure to Cotton Dust**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** On December 7, 2000, OSHA issued a direct final rule amending its occupational health standard for Cotton

Dust (29 CFR 1910.1043) to add cotton washed in a batch kier system to the other types of washed cotton that are partially exempt from the cotton dust standard (65 FR 76563). That rule followed the recommendation of the Task Force for Byssinosis Prevention, which studied the health effects associated with the processing and use of washed cotton. OSHA has concluded that this amendment is not controversial. It created no new requirements for industry but did provide an additional protective option for employers to achieve partial exemption from the cotton dust standard.

OSHA stated in the December 7, 2000 Federal Register Notice that it would withdraw the amendment if negative comments were received within 60 days of publication of the notice. No comments were received. Accordingly, OSHA is confirming the effective date of the amendment, which will permanently amend the Cotton Dust Standard (29 CFR 1910.1043).

**DATES:** The amendment is effective April 6, 2001.

**ADDRESSES:** In compliance with 28 U.S.C. 2112(a), petitions for review of this amendment should be sent to the Associate Solicitor for Occupational Safety and Health; Office of the Solicitor, U.S. Department of Labor, Room S-4004; 200 Constitution Avenue, NW., Washington, DC 20210.

For additional copies of the amendment or this publication contact OSHA, Office of Publications, Room N-3101; 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1883, Fax (202) 693-2448.

**FOR FURTHER INFORMATION CONTACT:**

Direct press inquiries to: Bonnie Friedman, Director, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Rm. N3637, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-1999, Fax (202) 693-1634. Direct technical inquiries to: Dr. Steven Bayard, Director of the Office of Risk Assessment, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3718, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-2275.

**SUPPLEMENTARY INFORMATION:** On December 7, 2000, at 65 FR 76563, OSHA issued a direct final rule amending paragraph (n) of 29 CFR 1910.1043, the cotton dust standard. The amendment added one additional method of washing raw cotton, the batch kier method, to the washing methods covered employers may use to achieve partial exemption from the

cotton dust standard. Other methods of achieving partial exemption had been added to the standard in 1985.

Washing raw cotton following certain specific protocols substantially reduces or eliminates the ability of that cotton to cause byssinosis in textile workers when the cotton is opened, spun or woven. See the December 7, 2000 **Federal Register** document for the regulatory text of the amendment and a complete discussion.

OSHA finds that this amendment is not controversial. The amendment is supported by extensive scientific research and is recommended by the Task Force for Byssinosis Prevention, formerly known as the Industry/Government/Union Task Force for Washed Cotton Evaluation. It is also supported by the National Cotton Council, the American Textile Manufacturers Institute, the National Institute for Occupational Safety and Health, the U.S. Department of Agriculture and the Union of Needletrades, Industrial and Textile Employees.

The washed cotton issue was raised when OSHA reviewed the Cotton Dust Standard pursuant to the “Lookback Review” requirements of Section 610 of the Regulatory Flexibility Act. OSHA conducted this review in 1998 and 1999 and issued a report in 2000. That review involved requesting comments on the Cotton Dust Standard in the **Federal Register** and holding public meetings. All comments received in the “Lookback Review” on extending the washed cotton exemption were supportive.

OSHA finds that it is appropriate to issue this amendment by direct final rule. The amendment provides an additional method for the textile industry to achieve a partial exemption from the cotton dust standard but does so without in any way diminishing the protections provided to workers. Textile employers may continue to comply with the standard’s existing requirements if they do not find the batch kier method of washing cotton more cost-effective than compliance with the full standard or utilizing other permitted washing methods.

OSHA provided the public 60 days to comment on the amendment and stated that it would withdraw the rule if negative comments were received. No such comments were received.

OSHA also stated it would publish a **Federal Register** document to either confirm the effective date or withdraw the amendment. Because no comments have been received, OSHA is publishing this document to confirm April 6, 2001 as the effective date of this amendment.

This document has been reviewed and approved by the Department of Labor pursuant to the Regulatory Review Plan of January 20, 2001.

**Authority:** This document was prepared under the direction of R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

This action is taken pursuant to sections 4, 5, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Section 4 of the Administrative Procedure Act (5 U.S.C. 553), Secretary of Labor's Order No. 3-2000 (65 FR 50017, August 16, 2000) and 29 CFR part 1911.

Signed at Washington, DC this 4th day of April, 2001.

**R. Davis Layne,**

*Acting Assistant Secretary of Labor.*

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## DEPARTMENT OF THE TREASURY

### 31 CFR Part 1

#### Departmental Offices; Privacy Act of 1974; Implementation

**AGENCY:** Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury is amending its Privacy Act exemption rules which were published on November 21, 2000, which consolidated the regulations issued pursuant to 5 U.S.C. 552a(j) and (k) exempting one or more systems of records established on behalf of each bureau by the Department.

**EFFECTIVE DATE:** April 6, 2001.

**ADDRESSES:** Inquiries may be addressed to Department of the Treasury, Disclosure Services, Washington, DC 20220.

**FOR FURTHER INFORMATION CONTACT:** Dale Underwood, Deputy Assistant Director, Disclosure Services, (202) 622-0930.

**SUPPLEMENTARY INFORMATION:** On November 21, 2000, the Department of the Treasury published a final rule, at 65 FR 69865, amending its regulations issued pursuant to 5 U.S.C. 552a (j) and (k).

As noted in the rule, the Privacy Act of 1974 at subsection (k), authorizes the head of an agency to promulgate rules in accordance with the Administrative Procedure Act to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of this section if the system of records is investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section.

Disclosure Services received a comment about the final rule which contended that paragraph (h) of the final rule did not effectively reflect that the (k)(2) exemption attaches to civil as well as criminal investigatory materials and therefore, did not fully communicate the reasons for which the (k)(2) exemption has been claimed since 1975. The comments suggested that paragraph (h) could be read to limit the availability of the (k)(2) exemption to only those records which pertain to a criminal investigation, an arrest for criminal conduct, or law enforcement activities of a criminal investigator. We agree with that assessment, and language is being added to paragraph (h) which will more fully reflect the protection afforded records relating to the enforcement of civil and administrative laws as permitted by the Act. The amendments underscore the difference between the protection of Privacy Act records collected for the enforcement of criminal laws by such Treasury bureaus as ATF and Secret Service pursuant to 5 U.S.C. 552a(j)(2), and the protection of Privacy Act records collected for non-criminal law enforcement purposes by the Comptroller of the Currency, Office of Foreign Assets Control, or other Treasury offices as permitted by 5 U.S.C. 552a(k)(2).

These regulations are being published as a final rule because the amendment does not impose any requirements on any member of the public. This amendment is the most efficient means for the Treasury Department to implement its internal requirements for complying with the Privacy Act.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, the Department of the Treasury finds good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary and finds good cause for making this rule effective on the date of publication in the **Federal Register**.

In accordance with Executive Order 12866, it has been determined that this final rule is not a "significant regulatory action" and, therefore, does not require a Regulatory Impact Analysis.

The regulation will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Because no notice of proposed rulemaking is required, the provisions

of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

In accordance with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Department of the Treasury has determined that this final rule will not impose new record-keeping, application, reporting, or other types of information collection requirements.

#### List of Subjects in 31 CFR Part 1

Privacy.

Part 1 Subpart C of title 31 of the Code of Federal Regulations is amended as follows:

#### PART 1—[AMENDED]

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

**Authority:** 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552 as amended. Subpart C also issued under 5 U.S.C. 552a.

2. Section 1.36 is amended as follows:

a. Paragraphs (h)(1)(i) and (ii) are revised,

b. Paragraph (h)(2) introductory text is amended by revising the second sentence;

c. Paragraphs (h)(2)(i)(A), (B), (C) and (ii) are revised;

d. Paragraph (h)(2)(iii) is amended by revising the second sentence;

e. Paragraph (h)(2)(iv) is revised;

f. Paragraph (h)(4) introductory text is amended by revising the third sentence;

g. Paragraph (h)(6) introductory text is amended by revising the second sentence; and

h. Paragraph (h)(6)(iii) is revised.

The revisions to § 1.36 read as follows:

#### § 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 522a and this part.

\* \* \* \* \*

(h) \* \* \*

(1) \* \* \*

(i) The application of this provision would impair the ability of the Department and of law enforcement agencies outside the Department of the Treasury to make effective use of information maintained by the Department. Making accountings of disclosures available to the subjects of an investigation would alert them to the fact that an agency is conducting an investigation into their illegal activities and could reveal the geographic location of the investigation, the nature and purpose of that investigation, and the dates on which that investigation was active. Violators possessing such knowledge would be able to take measures to avoid detection or apprehension by altering their