

if an agency finds there is good cause to do so.

BIS finds good cause to issue this rule without advance notice and public comment because such procedures are unnecessary, see 5 U.S.C. 553(b)(3)(B). This final rule does not affect any substantive changes to the EAR. It implements the provision in E.O. 13526 that executive branch officials who are authorized to disseminate classified information outside the executive branch ensure the protection of the information in a manner equivalent to that provided within the executive branch. This final rule safeguards classified information by preventing unauthorized persons from accessing classified information submitted to a court reviewing agency action under the EAR. For the same reasons, the Department has determined that this final rule should be issued without a delayed effective date pursuant to 5 U.S.C. 553(d)(3).

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

#### List of Subjects in 15 CFR Part 756

Administrative practice and procedure, Appeals, Judicial review.

Accordingly, part 756 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

#### PART 756—APPEALS AND JUDICIAL REVIEW

- 1. The authority citation for part 756 is revised to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

- 2. The heading for part 756 is revised to read as set forth above.

- 3. Section 756.1 is revised to read as follows:

##### § 756.1 Scope.

Section 756.2 describes the procedures applicable to appeals from administrative actions taken under the Export Administration Act (EAA) or the Export Administration Regulations (EAR). (In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C). Section 756.3 describes the procedures under which the Bureau of Industry and Security (BIS) can safeguard national security

information when agency action is under judicial review.

- 4. Section 756.2 is amended by redesignating paragraphs (a) through (d) as paragraphs (b) through (e) and adding a new paragraph (a) to read as follows:

##### § 756.2 Appeal from an administrative action.

(a) *Scope.* Any person directly and adversely affected by an administrative action taken by BIS may appeal to the Under Secretary for reconsideration of that administrative action. The following types of administrative actions are not subject to the appeals procedures described in this part:

(1) Issuance, amendment, revocation, or appeal of a regulation. (These requests may be submitted to BIS at any time.)

(2) Denial or probation orders, civil penalties, sanctions, or other actions under parts 764 and 766 of the EAR, except that, any appeal from an action taken under § 766.25 and any appeal from an action taken in accordance with § 766.23 to make an action taken under § 766.25 applicable to a related person shall be subject to the appeals procedures described in this part.

(3) A decision on a request to remove or modify an Entity List entry made pursuant to § 744.16 of the EAR or a decision on a request to remove an Unverified List entry made pursuant to § 744.15 of the EAR.

(4) A decision on whether License Exception Strategic Trade Authorization (STA) is available for “600 series” “end items” pursuant to § 740.20(g) of the EAR.

\* \* \* \* \*

- 5. Add § 756.3 to read as follows:

##### § 756.3 Judicial review of agency action.

(a) *Definition.* For purposes of this section, the term *agency action* has the same meaning given such term in 5 U.S.C. 551(13), *i.e.*, includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

(b) *Classified national security information.* In any judicial review of any agency action under the EAR, if such action was based in whole or in part on classified national security information as defined in Executive Order 13526 (December 29, 2009), such information may be submitted to the reviewing court *ex parte* and *in camera*. This paragraph (b) does not confer or

imply any right to review in any tribunal, judicial or otherwise.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

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#### FEDERAL TRADE COMMISSION

##### 16 CFR Part 303

RIN 3084–AB28

#### Rules and Regulations Under the Textile Fiber Products Identification Act

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission (“FTC” or “Commission”) amends the Rules and Regulations Under the Textile Fiber Products Identification Act (“Textile Rules” or “Rules”) to incorporate the most recent ISO 2076 standard for generic fiber names.

**DATES:** This rule is effective November 5, 2020. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of November 5, 2020.

**FOR FURTHER INFORMATION CONTACT:** Jock Chung, (202) 326–2984, Attorney, 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”) <sup>1</sup> and Rules require marketers to, among other things, attach a label to each covered textile product disclosing: (1) The product’s generic names; (2) the percentages, by weight, of its constituent fibers; (3) the name under which the manufacturer or other responsible company does business or, in lieu thereof, the company’s registered identification number; and (4) the name of the country where the product was processed or manufactured.<sup>2</sup>

Section 303.7 of the Textile Rules (Generic names and definitions for manufactured fibers) establishes the generic names for man-made fibers that manufacturers must disclose. This provision lists the generic names and definitions established by the Commission through its textile petition

<sup>1</sup> 15 U.S.C. 70 *et seq.*

<sup>2</sup> See 15 U.S.C. 70b(b).

process under § 303.8, and incorporates by reference the generic names and definitions set forth in the ISO 2076 standard.

The Commission cannot automatically incorporate future changes to an incorporated standard.<sup>3</sup> Therefore, it periodically updates the Rule's reference to the ISO standard to keep abreast of ISO 2076 amendments.<sup>4</sup>

## II. Amendments to the Textile Rules

In a Notice of Proposed Rulemaking ("NPRM") published on February 18, 2020,<sup>5</sup> the Commission proposed amending § 303.7 to incorporate the most recent version of the relevant ISO standard, ISO 2076:2013(E), "Textiles—Man-made fibres—Generic names." This standard includes seven generic fiber names that are not defined in the currently-incorporated 2010 ISO standard: "chitin," "ceramic," "polybenzimidazol," "polycarbamide," "polypropylene/polyamide bicomponent," "protein," and "trivinylnyl."

In the NPRM, the Commission noted that Commission staff had received several inquiries from manufacturers interested in using the petition process to add "chitin," a name recognized in ISO 2076:2013(E), to the Commission's list of approved generic fiber names. The Commission stated that incorporating the updated ISO standard into the Textile Rules would resolve those requests, save both the Commission and manufacturers resources, and harmonize the two standards without the need to address other ISO recognized names individually.

The Commission did not receive any germane comments. Accordingly, based on the analysis provided in the NPRM, the Commission now amends the Textile Rules to change the Rules' current reference to the ISO 2076:2010(E) standard for generic fiber names to the updated ISO 2076:2013(E) standard.

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs has designated this rule as not a 'major rule,' as defined by 5 U.S.C. 804(2).

## III. Paperwork Reduction Act

The Textile Rules contain recordkeeping and disclosure

requirements that constitute information collection requirements as defined by 5 CFR 1320.3(c), the definitional provision within the Office of Management and Budget ("OMB") regulations that implement the Paperwork Reduction Act ("PRA"). OMB has approved the Rule's existing information collection requirements through May 31, 2021 (OMB Control No. 3084–0101). The amended Textile Rules do not impose any additional collection of information requirements.

## IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires that the Commission provide an Initial Regulatory Flexibility Analysis (IRFA) with a Proposed Rule, and a Final Regulatory Flexibility Analysis (FRFA) with the final Rule, unless the Commission certifies that the Rule will not have a significant economic impact on a substantial number of small entities.<sup>6</sup>

The Commission anticipates that the final amendment will not have a significant economic impact on a substantial number of small entities. The amendment incorporates the most recent version of the relevant ISO standard for textile fiber names, ISO 2076:2013(E), and should not increase the costs of small entities that manufacture or import textile fiber products. Instead, the amendment will enable these entities to market products in the United States under seven additional fiber names. Therefore, based on available information, the Commission certifies that amending the Textile Rules will not have a significant economic impact on a substantial number of small businesses. Although the Commission certifies under the RFA that the amendment will not have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish a Final Regulatory Flexibility Analysis in order to explain the impact of the amendment on small entities as follows:

### A. Description of the Reason for Agency Action

The Commission is amending the Rules to provide greater flexibility in complying with the Rules' disclosure requirements by permitting textile fiber product marketers to market products containing fibers defined in the updated ISO 2076:2013(E) standard.

### B. Issues Raised by Comments in Response to the IRFA

The Commission did not receive any comments related to the impact of the final amendment on small businesses. In addition, the Commission did not receive any comments filed by the Chief Counsel for Advocacy of the Small Business Administration.

### C. Estimate of Number of Small Entities to Which the Amendments Will Apply

Under the Small Business Size Standards issued by the Small Business Administration, textile apparel manufacturers qualify as small businesses if they have 500 or fewer employees. Clothing wholesalers qualify as small business if they have 100 or fewer employees. The Commission's staff has estimated that approximately 10,744 textile fiber product manufacturers and importers are covered by the Textile Rules' disclosure requirements.<sup>7</sup> A substantial number of these entities likely qualify as small businesses. The Commission estimates that the amendment will not have a significant impact on these small businesses because it does not impose any new obligations; rather, it permits them to offer more products while complying with the Textile Rules.

### D. Projected Reporting, Recordkeeping, and Other Compliance Requirements, Including Classes of Covered Small Entities and Professional Skills Needed To Comply

The amendment is not expected to increase any reporting, recordkeeping, or other requirements associated with the Textile Rules.

### E. Description of Steps Taken To Minimize Significant Economic Impact, If Any, on Small Entities, Including Alternatives

The Commission did not propose any specific small entity exemption or other significant alternatives because the amendment is not expected to increase reporting requirements and will not impose any new requirements or compliance costs. No comments identified any new compliance costs.

## V. Incorporation by Reference

Consistent with 5 U.S.C. 552(a) and 1 CFR part 51, the Commission incorporates the specifications of the following standard issued by the International Organization of Standardization (ISO): ISO 2076:2013(E), which lists the generic names used to designate the different categories of man-made fibres, based on

<sup>3</sup> Specifically, Office of the Federal Register regulations state that incorporation by reference is "limited to the edition of the publication that is approved," and "future amendments or revisions of the publication are not included." See 1 CFR 51.1(f).

<sup>4</sup> See 79 FR 18766 (Apr. 4, 2014).

<sup>5</sup> 85 FR 8781 (Feb. 18, 2020).

<sup>6</sup> 5 U.S.C. 603–605.

<sup>7</sup> 83 FR 2992, 2993 (Jan. 22, 2015).

a main polymer, currently manufactured on an industrial scale for textile and other purposes, together with the distinguishing attributes that characterize them.

This ISO standard is reasonably available to interested parties. Members of the public can obtain copies of ISO 2076:2013(E) from the International Organization for Standardization, ISO Central Secretariat, Chemin de Blandonnet 8, CP 401–1214 Vernier, Geneva, Switzerland; (+41 22 749 01 11); [central@iso.org](mailto:central@iso.org); <https://www.iso.org/home.html>. They can also obtain copies from the American National Standards Institute, 25 West 43rd Street, Fourth Floor, New York, NY 10036–7417; (212) 642–4900; [isot@ansi.org](mailto:isot@ansi.org); <https://www.ansi.org>. This ISO standard is also available for inspection at the FTC Library, (202) 326–2395, Federal Trade Commission, Room H–630, 600 Pennsylvania Avenue NW, Washington, DC 20580.

#### List of Subjects in 16 CFR Part 303

Advertising, Incorporation by reference, Labeling, Recordkeeping, Textile fiber products.

For the reasons discussed in the preamble, the Commission amends part 303 of title 16, Code of Federal Regulations, as follows:

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

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

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

■ 2. Amend § 303.7:

■ a. By revising the introductory text; and

■ b. In paragraph (v), by removing the words “16 CFR 303.7(c)” and adding, in their place, the words “paragraph (c) of this section”.

The revision reads as follows:

#### § 303.7 Generic names and definitions for manufactured fibers.

Pursuant to the provisions of section 7(c) of the Act, the Commission hereby establishes the generic names for manufactured fibers, together with their respective definitions, set forth in this section, and the generic names for manufactured fibers, together with their respective definitions, set forth in International Organization for Standardization (ISO) 2076:2013(E). ISO 2076:2013(E), “Textiles—Man-made fibres—Generic names,” Sixth edition, November 15, 2013, is incorporated by reference into this section with the approval of the Director of the Federal

Register under 5 U.S.C. 552(a) and 1 CFR part 51.

To enforce any edition other than that specified in this section, the Federal Trade Commission must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Federal Trade Commission, 600 Pennsylvania Avenue NW, Room H–630, Washington, DC 20580, (202) 326–2222, and is available from: (a) The International Organization for Standardization, ISO Central Secretariat, Chemin de Blandonnet 8, CP 401–1214 Vernier, Geneva, Switzerland; (+41 22 749 01 11); [central@iso.org](mailto:central@iso.org); <https://www.iso.org/home.html>; and (b) the American National Standards Institute, 25 West 43rd Street, Fourth Floor, New York, NY 10036–7417; (212) 642–4900; [isot@ansi.org](mailto:isot@ansi.org); <https://www.ansi.org>. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

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By direction of the Commission,  
Commissioner Slaughter not participating.

April J. Tabor,

*Acting Secretary.*

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#### DEPARTMENT OF JUSTICE

#### Drug Enforcement Administration

#### 21 CFR Part 1308

[Docket No. DEA–658]

#### Schedules of Controlled Substances: Placement of Remimazolam in Schedule IV

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** On July 2, 2020, the U.S. Food and Drug Administration approved a new drug application for BYFAVO (remimazolam) for intravenous use. Remimazolam is chemically known as 4*H*-imidazo[1,2-*a*][1,4]benzodiazepine-4-propionic acid, 8-bromo-1-methyl-6-(2-pyridinyl)-(4*S*)-methyl ester, benzenesulfonate (1:1) and also, methyl 3-[(4*S*)-8-bromo-1-methyl-6-pyridin-2-yl-4*H*-imidazo[1,2-*a*][1,4]benzodiazepin-4-yl]propanoate benzenesulfonic acid.

The Department of Health and Human Services provided the Drug Enforcement Administration (DEA) with a scheduling recommendation to place remimazolam and its salts in schedule IV of the Controlled Substances Act (CSA). In accordance with the CSA, as amended by the Improving Regulatory Transparency for New Medical Therapies Act, DEA is hereby issuing an interim final rule placing remimazolam, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule IV of the CSA.

**DATES:** The effective date of this rulemaking is October 6, 2020. Interested persons may file written comments on this rulemaking in accordance with 21 U.S.C. 811(j)(3) and 21CFR 1308.43(g). Electronic comments must be submitted, and written comments must be postmarked, on or before November 5, 2020. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

Interested persons may file a request for hearing or waiver of hearing in accordance with 21 U.S.C. 811(j)(3) and 21 CFR 1308.44. Requests for hearing and waivers of an opportunity for a hearing or to participate in a hearing, together with a written statement of position on the matters of fact and law asserted in the hearing, must be received on or before November 5, 2020.

**ADDRESSES:** To ensure proper handling of comments, please reference “Docket No. DEA–658” on all correspondence, including any attachments.

• *Electronic comments:* The Drug Enforcement Administration (DEA) encourages that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on [Regulations.gov](http://www.Regulations.gov). If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

• *Paper comments:* Paper comments that duplicate the electronic submission are not necessary and are discouraged.