denise__c.coleman@usda.gov, Attention: State Technical Committee.

Signed in Washington, D.C. on December 30, 1997.

Thomas A. Weber,

Acting Chief, Natural Resources Conservation Service.

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BILLING CODE 3410–16–P

FEDERAL TRADE COMMISSION

16 CFR Part 303

Rule and Regulations Under the Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission (''Commission'') solicits comments as to whether to amend Rule 7 of the Rules and Regulations Under the Textile Fiber Products Identification Act (16 CFR 303.7) to designate a new generic fiber name and establish a new generic fiber definition for a fiber manufactured by DuPont Advanced Fiber Systems (''DuPont''), of Wilmington, Delaware. The Commission is proposing the name ''fluoropolymer'' for the fiber, which DuPont designates by the registered name ''Teflon.''

DATES: Comments will be accepted through March 23, 1998.

ADDRESSES: Comments should be submitted to: Office of the Secretary, Federal Trade Commission, Room 159, Sixth St. & Pennsylvania Ave., NW., Washington, DC, 20580. Comments should be identified as ''16 CFR Part 303—Textile Rule 7 Comment—P974227.''

FOR FURTHER INFORMATION CONTACT: James G. Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC, 20580; (202) 326–3035, FAX: (202) 326–3259.

SUPPLEMENTARY INFORMATION:

I. Background

Rule 6 of the Rules and Regulations under the Textile Fiber Products Identification Act (''Textile Rules,'' 16 CFR 303.6) requires manufacturers to use the generic names of the fibers contained in their textile fiber products in making disclosures of the fiber content of the products. Rule 7 (16 CFR 303.7) sets forth the generic names and definitions that the Commission has established for synthetic fibers. Rule 8 (16 CFR 303.8) sets forth the procedures for establishing new generic names.

DuPont submitted its application in this matter to the Commission on March 22, 1996, and has provided the Commission with additional information, which has been placed on the rulemaking record. DuPont stated that it has manufactured a fiber known as ''Teflon PTFE fluorocarbon fiber'' or ''Teflon fiber'' since the 1950's for industrial applications, but that it expected to begin commercial sales of the fiber in socks beginning in late April, 1996. DuPont explained that it was petitioning the Commission to establish a new name and definition for its fiber in its new use because none of the current generic fiber definitions in Rule 7 of the Textile Rules is appropriate for Teflon fiber.

After an initial analysis, on June 25, 1996, the Commission announced that it has issued DuPont the designation ''DP 0001'' for temporary use in identifying Teflon PTFE fluorocarbon fiber pending a final determinations as to the merits of the application for a new generic name and definition.

II. Chemical Composition and Physical and Chemical Properties of Teflon PTFE Fluorocarbon Fiber

DuPont states that the name Teflon PTFE fluorocarbon fiber can be used to describe fibers made from the following materials:

PTFE $(CF_2–CF_2)n$ where ''n'' is the degree of polymerization, usually around 50,000

FEP $(CF_2–CF_2)n(CF\{CF_3\}–CF_2)m$

PFA $(CF_2–CF_2)n(CF\{ORf\}–CF_2)m$ in this case, Rf represents a perfluorinated alkyl group bonded to an ether oxygen, which hangs off the chain.

DuPont described Teflon PTFE fluorocarbon fiber generally as inherently low friction, water-resistant, flame-resistant, and low modulus (i.e., highly resistant to deformation). DuPont expects the initial market for the fiber to be sports apparel where fabrics from Teflon fiber and blends containing it may reduce the chance of skin irritation and may have other desirable characteristics, such as permanent water- and stain-resistance, softer hand, and improved comfort.

DuPont described the chemical characteristics of Teflon PTFE fluorocarbon fibers and the base resins used to make the fibers as follows:

> Teflon PTFE fluorocarbon resins and fibers developed by DuPont have unusually high thermo-chemical resistance and display exceptionally low coefficients of friction. The molecular structure of Teflon PTFE fluorocarbon consists of long chains of carbon atoms fully saturated by fluorine atoms. The carbon-fluorine bonds are extremely strong and the carbon-carbon bonds are well-shielded by the fluorine atoms * * *. Molecules of Teflon PTFE fluorocarbon are electrically neutral and therefore lack the strong polar forces that bind together the molecules of other fibers such as nylon or cellulose. However, the extreme regularity of the molecules permits very close packing.
>
> Fibers of Teflon are processed to a higher degree of molecular orientation than their resin counterpart. Thus the stress-strain properties and resistance to cold flow of the fiber are markedly different from those of the resin * * *. Other properties of the fibers and resins are essentially identical.

DuPont summarized the stress-strain and gross properties for unbleached Teflon PTFE fluorocarbon fiber as follows:

Yarn denier: filaments (dtex: filaments)	400–60 (440–60)
Stress-Strain Properties*	
Straight Test:	
Tensile strength, psi (MPa)	52,500 (359).
Breaking strength, lbs (N)	1.7 (7.6),
Breaking tenacity, g/den. (cN/tex)	2.0 (18).
Elongation at break, %	19.
Initial modulus, g/den. (cN/tex)	13.0 (115).
Loop Test:	
Tensile strength, psi (Mpa)	31,000 (214).
Breaking strength, lbs (N)	1.8 (8.0).
Elongation at break, %	8.5.

Yarn denier: filaments (dtex: filaments)	400–60 (440–60)
Thermal Properties	
Shrinkage after 30 minutes, %:	
In water at 212°F (100°C)	2.5.
In air at 350°F (177°C)	6.0.
Specific heat, cal/g.°C(J/kg.K)	0.25 (1.050).
Thermal conductivity, BTU/h.ft.^{2}.°F for 1″ of thickness (W/m^2.K for 1 cm of thickness)	1.7 (3.8).
Zero strength temperature**, °F (°C)	590 (310).
Gel temperature, °F (°C)	621 (327).
Sublimation rate, % weight loss/hour:	
At 554°F (290°C)	0.0002.
At 806°F (430°C)	1.5.
General Properties	
Specific gravity	2.1
Moisture regain, %	0.0

*Stress-strain properties were determined on an ''Instron'' tensile tester at 70°F (21°C), 65% R.H.
**Temperature at which the yarn breaks under a load of 0.1 g/den. (0.883 cN/tex).

DuPont stated that the coefficient of friction of Teflon PTFE fluorocarbon fiber is the lowest of all known fibers, and that, because the static coefficient of friction is only slightly higher than the dynamic value, the fiber does not exhibit ''stick-slip'' behavior, which means that the fiber feels very smooth and slippery when rubbed between the fingers, rather than periodically catching and slipping. DuPont also asserted that its fiber is the most chemically resistant fiber known, being inert to such reagents as boiling sulfuric acid, fuming nitric acid, boiling aqua regia (mixed sulfuric and nitric acids), and boiling (saturated) sodium hydroxide. In this connection, DuPont added that the only known solvents for Teflon fiber or resin are selected perfluorinated organic liquids at temperatures above 570°F (299°C).

DuPont also stated that the maximum temperature to which Teflon PTFE fluorocarbon fiber can be exposed for long periods is 550°F (288°C), but that the fiber can tolerate brief exposures to temperatures as high as 600°F (316°C). DuPont asserted that continuous exposure to temperatures below 400°F (204°C) ordinarily does not degrade the fiber, and that the fiber is stable over a wide range of temperatures. According to DuPont, the fiber becomes less ductile at extremely low temperatures and softens at extremely high temperatures, and that adequate toughness and strength are available for selected uses at temperatures as low as −450°F (−268°C) and as high as 550°F (288°C).

DuPont asserted that Teflon PTFE fluorocarbon fiber has significant sunlight and weather resistance, reporting that continuous exposure of the fiber to direct sunlight and weather for three years in Florida resulted in only a 2% measured loss in yarn-breaking strength.

III. Invitation To Comment

The Commission is soliciting comment on DuPont's application generally, and on whether the application meets the criteria first announced by the Commission as grounds for granting applications for new generic names on Dec. 11, 1973, at 38 FR 34112, and later clarified and reaffirmed on Dec. 6, 1995, 60 FR 62353, and again on May 23, 1997, 62 FR 28343:

First Criterion: The fiber for which a generic name is requested must have a chemical composition radically different from other fibers, and that distinctive chemical composition must result in distinctive physical properties of significance to the general public.

Second Criterion: The fiber must be in active commercial use or such use must be immediately foreseen.

Third Criterion: The granting of the generic name must be of importance to the consuming public at large, rather than to a small group of knowledgeable professionals such as purchasing officers for large Government agencies.

The Commission also requests comments on the appropriateness of the fiber name and definition proposed below. The Commission is proposing the generic name ''fluoropolymer'' for DuPont's fiber. DuPont suggested ''fluoropolymer'' so the fiber's name would be consistent with all other products it sells under the brand name ''Teflon,'' and because the name ''fluoropolymer'' is already well-established in association with its Teflon PTFE fluorocarbon fiber.

The Commission notes, however, that a name has already been established for this type of fiber by the International Organization for Standardization (''ISO''). The name—''fluorofibre''—is for fibers composed of linear macromolecules made from aliphatic fluorocarbon monomers. The Commission solicits comment, therefore, on whether, in the interests of international standardization of fiber terminology, the ISO generic name would be more appropriate than DuPont's suggested name (''fluoropolymer'') to describe fibers similar to DuPont's Teflon PTFE fluorocarbon fiber. Because the ISO name—''fluorofibre''—is spelled with the European spelling (''-fibre''), rather than the U.S. spelling (''-fiber''), the Commission solicits comment specifically on the appropriateness of a generic fiber name in Rule 7 that would allow for the use of both versions: ''fluorofiber or fluorofibre.''

The Commission also is proposing the following definition for the fiber, with which DuPont is in agreement:

A manufactured fiber containing at least 95% of a long-chain polymer synthesized from aliphatic fluorocarbon monomers.

Before deciding whether to amend Rule 7, the Commission will consider any comments submitted to the Secretary of the Commission within the above-mentioned comment period. Comments that are submitted will be available for public inspection, in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Commission regulations, 16 CFR 4, on normal business days between the hours of 8:30 a.m. and 5:00 p.m. at the Public Reference Room, Room 130, Federal Trade Commission, 6th St. & Pennsylvania Ave. NW, Washington, D.C. 20580.

IV. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial

regulatory analysis (5 U.S.C. 603–604) are not applicable to this proposal because the Commission believes that the amendment, if promulgated, will not have a significant economic impact on a substantial number of small entities. The Commission has tentatively reached this conclusion with respect to the proposed amendment because the amendment would impose no additional obligations, penalties or costs. The amendment simply would allow covered companies to use a new generic name for a new fiber that may not appropriately fit within current generic names and definitions. The amendment would impose no additional labeling requirements.

To ensure that no substantial economic impact is being overlooked, however, the Commission requests public comment on the effect of the proposed amendment on costs, profits, and competitiveness of, and employment in, small entities. After receiving public comment, the Commission will decide whether preparation of a final regulatory flexibility analysis is warranted. Accordingly, based on available information, the Commission certifies, pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed amendment, if promulgated, would not have a significant economic impact on a substantial number of small entities.

V. Paperwork Reduction Act

This proposed amendment does not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 109 Stat. 163) and its implementing regulations. (5 CFR 1320 *et seq.*) The collection of information imposed by the procedures for establishing generic names (16 CFR 303.8) has been submitted to OMB and has been assigned control number 3084–0101.

List of Subjects in 16 CFR Part 303

Labeling, Textile, Trade practices.

VI. Proposed Amendments

Accordingly, the Commission proposes that 16 CFR Part 303 be amended 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. It is proposed that a new paragraph (x) be added to § 303.7, to read as follows:

§ 303.7 Generic names and definitions for manufactured fibers.

(x) Fluoropolymer. A manufactured fiber containing at least 95% of a long-chain polymer synthesized from aliphatic fluorocarbon monomers.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 98–101 Filed 1–5–98; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 303

Rules and Regulations Under the Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission (''Commission'') solicits comments as to whether to amend Rule 7 of the Rules and Regulations Under the Textile Fiber Products Identification Act (16 CFR 303.7) to designate a new generic fiber name and establish a new generic fiber definition for a fiber manufactured by BASF Corporation (''BASF''), of Mt. Olive, New Jersey. BASF requested that the Commission establish the name ''melamine'' for the fiber, which it designates by the registered name ''Basofil.''

DATES: Comments will be accepted through March 23, 1998.

ADDRESSES: Comments should be submitted to: Office of the Secretary, Federal Trade Commission, Room 159, Sixth St. & Pennsylvania Ave., NW, Washington DC, 20580. Comments should be identified as ''16 CFR Part 303—Textile Rule 7 Comment—P974228.''

FOR FURTHER INFORMATION CONTACT: James G. Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC, 20580; (202) 326–3035, FAX: (202) 326–3259.

SUPPLEMENTARY INFORMATION:

I. Background

Rule 6 of the Rules and Regulations under the Textile Fiber Products Identification Act (''Textile Rules,'' 16 CFR 303.6) requires manufacturers to use the generic names of the fibers contained in their textile fiber products in making required disclosures of the fiber content of the products. Rule 7 (16 CFR 303.7) sets forth the generic names and definitions that the Commission has established for synthetic fibers. Rule 8 (16 CFR 303.8) sets forth the procedures for establishing new generic names.

BASF submitted its application in this matter to the Commission on March 22, 1996. Since then, BASF has submitted additional information at the request of the Commission's staff. The application and related materials have been placed on the rulemaking record. BASF stated that Basofil fiber, which is mostly used in combination with other heat- and flame-resistant fibers, is intended for use in applications where heat and flame resistance and low flammability are vital, including fire-blocking fabrics, protective apparel and heat-insulating fabrics. BASF stated that, because the unique chemistry of Basofil fiber is inadequately described under the existing generic names listed in the Textile Rules, a new generic name and definition should be established.

After an initial analysis, on June 25, 1996, the Commission issued BASF the designation ''BC 0001'' for temporary use in identifying Basofil, pending a final determination as to the merits of the application for a new generic name.

II. Chemical composition and Physical and Chemical Properties of BASF's Fiber

In its petition and other materials, BASF described Basofil as a fiber that, because of its unique melamine-formaldehyde chemistry, is especially suited for applications in which heat and flame resistance are needed. BASF intends the fiber to be used in the manufacture of heat- and flame-resistant textile products, like fire-blocking fabrics, gloves and aprons and other protective apparel, and filters for use in high-temperature applications. BASF described Basofil chemically as follows:

> The product is a fiber made from a condensation polymer of melamine derivatives and formaldehyde * * *. In the condensation reaction, methylol compounds are formed which then react with one another to form a three-dimensional structure of methylene ether and methylene bridges.
>
> The chemical composition of Basofil fiber is based upon a three-dimensional cross linked structure containing methylene links, such as (Melamine–NH–CH_2–NH–Melamine) and dimethylene ether links such as (Melamine–NH–CH_2–O–CH_2NH–Melamine). The melamine can also be modified to contain hydroxyl groups.
>
> The network structure of Basofil fiber provides the characteristics found in melamine-based resins—heat stability, solvent resistance, and low flammability.

BASF stated that Basofil combines fire protection and heat stability with good chemical, hydrolysis and ultraviolet resistance, and that the fiber, which is white and dyeable, can be processed on standard textile manufacturing