

pool, whirlpool, and/or jacuzzi maintained at 23 to 32 °C shall be used in these testing procedures. Fresh water is clean drinking water that meets the standards in 40 CFR part 141. The pool and air temperature and the relative humidity shall be recorded.

(a) *Procedure for testing the water resistance of a sunscreen product.* For sunscreen products making the claim of "water resistant," the label SPF shall be the label SPF value determined after 40 minutes of water immersion using the following procedure for the water resistance test:

(1) Apply sunscreen product (followed by the waiting period after application of the sunscreen product indicated on the product labeling).

(2) 20 minutes moderate activity in water.

(3) 20-minute rest period (do not towel test sites).

(4) 20 minutes moderate activity in water.

(5) Conclude water test (air dry test sites without toweling).

(6) Begin solar simulator exposure to test site areas as described in § 352.73.

(b) *Procedure for testing a very water resistant sunscreen product.* For sunscreen products making the claim of "very water resistant," the label SPF shall be the label SPF value determined after 80 minutes of water immersion using the following procedure for the very water resistant test:

(1) Apply sunscreen product (followed by the waiting period after application of the sunscreen product indicated on the product labeling).

(2) 20 minutes moderate activity in water.

(3) 20-minute rest period (do not towel test sites).

(4) 20 minutes moderate activity in water.

(5) 20-minute rest period (do not towel test sites).

(6) 20 minutes moderate activity in water.

(7) 20-minute rest period (do not towel test sites).

(8) 20 minutes moderate activity in water.

(9) Conclude water test (air dry test sites without toweling).

(10) Begin solar simulator exposure to test site areas as described in § 352.73.

#### § 352.77 Test modifications.

The formulation or mode of administration of certain products may require modification of the testing procedures in this subpart. In addition, alternative methods (including automated or in vitro procedures) employing the same basic procedures as those described in this subpart may be

used. Any proposed modification or alternative procedure shall be submitted as a petition in accord with § 10.30 of this chapter. The petition should contain data to support the modification or data demonstrating that an alternative procedure provides results of equivalent accuracy. All information submitted will be subject to the disclosure rules in part 20 of this chapter.

#### PART 700—GENERAL

4. The authority citation for 21 CFR part 700 continues to read as follows:

**Authority:** 21 U.S.C. 321, 331, 352, 355, 361, 362, 371, 374.

5. Section 700.35 is added to subpart B to read as follows:

#### § 700.35 Cosmetics containing sunscreen ingredients.

(a) A product that includes the term "sunscreen" in its labeling or in any other way represents or suggests that it is intended to prevent, cure, treat, or mitigate disease or to affect a structure or function of the body comes within the definition of a drug in section 201(g)(1) of the act. Sunscreen active ingredients affect the structure or function of the body by absorbing, reflecting, or scattering the harmful, burning rays of the sun, thereby altering the normal physiological response to solar radiation. These ingredients also help to prevent diseases such as sunburn and may reduce the chance of premature skin aging, skin cancer, and other harmful effects due to the sun when used in conjunction with limiting sun exposure and wearing protective clothing. When consumers see the term "sunscreen" or similar sun protection terminology in the labeling of a product, they expect the product to protect them in some way from the harmful effects of the sun, irrespective of other labeling statements. Consequently, the use of the term "sunscreen" or similar sun protection terminology in a product's labeling generally causes the product to be subject to regulation as a drug. However, sunscreen ingredients may also be used in some products for nontherapeutic, nonphysiologic uses (e.g., as a color additive or to protect the color of the product). To avoid consumer misunderstanding, if a cosmetic product contains a sunscreen ingredient and uses the term "sunscreen" or similar sun protection terminology anywhere in its labeling, the term must be qualified by describing the cosmetic benefit provided by the sunscreen ingredient.

(b) The qualifying information required under paragraph (a) of this section shall appear prominently and

conspicuously at least once in the labeling in conjunction with the term "sunscreen" or other similar sun protection terminology used in the labeling. For example: "Contains a sunscreen—to protect product color."

#### PART 740—COSMETIC PRODUCT WARNING STATEMENTS

6. The authority citation for 21 CFR part 740 continues to read as follows:

**Authority:** 21 U.S.C. 321, 331, 352, 355, 361, 362, 371, 374.

7. Section 740.19 is added to subpart B to read as follows:

#### § 740.19 Suntanning preparations.

The labeling of suntanning preparations that do not contain a sunscreen ingredient must display the following warning: "Warning—This product does not contain a sunscreen and does not protect against sunburn. Repeated exposure of unprotected skin while tanning may increase the risk of skin aging, skin cancer, and other harmful effects to the skin even if you do not burn." For purposes of this section, the term "suntanning preparations" includes gels, creams, liquids, and other topical products that are intended to provide cosmetic effects on the skin while tanning through exposure to UV radiation (e.g., moisturizing or conditioning products), or to give the appearance of a tan by imparting color to the skin through the application of approved color additives (e.g., dihydroxyacetone) without the need for exposure to UV radiation. The term "suntanning preparations" does not include products intended to provide sun protection or otherwise intended to affect the structure or any function of the body.

Dated: April 22, 1999.

**William K. Hubbard,**

*Associate Commissioner for Policy Coordination.*

[FR Doc. 99-12853 Filed 5-20-99; 8:45 am]

BILLING CODE 4160-01-F

#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

##### 32 CFR Part 311

##### OSD Privacy Program; Correction

**AGENCY:** Department of Defense.

**ACTION:** Final rule; correction.

**SUMMARY:** This rule makes administrative corrections to the OSD Privacy Program rule published on April 28, 1999.

**DATES:** This rule is effective February 4, 1999.

**FOR FURTHER INFORMATION CONTACT:** David Bosworth, 703-588-0159.

**SUPPLEMENTARY INFORMATION:** On April 28, 1999 (64 FR 22784), the Department of Defense published a final rule revising 32 CFR part 311 "OSD Privacy Program" which contained two § 311.6(c)(1). This correction designates the second § 311.6(c)(1) as § 311.6(c)(2).

Accordingly, 32 CFR Part 311 is corrected as follows:

1. The authority citation for 32 CFR Part 311 continues to read as follows:

**§ 311.6 [corrected]**

**Authority:** Pub. L. 93-579, 88 Stat. 1986 (5 U.S.C. 552a).

2. Section 311.6 is corrected by redesignating the second paragraph (c)(1) as paragraph (c)(2).

Dated: May 13, 1999.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 99-12533 Filed 5-20-99; 8:45 am]

BILLING CODE 5001-10-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD01-99-054]

RIN 2115-AE46

#### Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of implementation.

**SUMMARY:** This notice puts into effect the permanent regulations for the annual Harvard-Yale Regatta, a rowing competition held on the Thames River in New London, CT. The regulation is necessary to control vessel traffic within the immediate vicinity of the event because of the confined nature of the waterway and anticipated congestion at the time of the event. It provides for the safety of life and property on the affected navigable waters.

**EFFECTIVE DATE:** The regulations in 33 CFR 100.101 are effective on June 5, 1999, from 3:00 p.m. to 8:00 p.m. If the regatta is canceled because of weather, this section will be in effect on the following day, Sunday June 6, 1999, during the same hours.

**FOR FURTHER INFORMATION CONTACT:** Petty Officer William M. Anderson,

Office of Search and Rescue, First Coast Guard District, (617) 223-8460.

**SUPPLEMENTARY INFORMATION:** This notice implements the permanent special local regulation governing the 1999 Harvard-Yale Regatta. A portion of the Thames River in New London, Connecticut, will be closed during the effective period to all vessel traffic except participants, official regatta vessels, and patrol craft. The regulated area is that area of the river between the Penn-Central drawbridge and Bartlett's Cove. Additional public notification will be made by the First Coast Guard District Local Notice to Mariners and marine-safety broadcasts. The full text of this regulation appears in 33 CFR 100.101.

Dated: May 5, 1999.

**R.M. Larrabee,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 99-12825 Filed 5-20-99; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD09-98-055]

RIN 2115-AE47

#### Drawbridge Operation Regulations; River Rouge (Short-Cut Canal), Michigan

**AGENCY:** Coast Guard, DOT.

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

**SUMMARY:** On February 25, 1999, the Coast Guard published a direct final rule (64 FR 9271, CGD09-98-055) in the **Federal Register**. This direct final rule notified the public of the Coast Guard's intent to remove the operating regulations governing the Fort Street and Jefferson Street bridges, miles 1.1 and 2.2, respectively, over River Rouge in Detroit, MI, because changing vehicular traffic patterns and the needs of navigation on the river. The Coast Guard has not received any adverse comments or any notice of intent to submit adverse comments objecting to this rule as written; therefore, this rule will go into effect as scheduled.

**DATES:** The effective date of the direct final rule is confirmed as May 26, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Scot M. Striffler, Project Manager, Ninth Coast Guard District (obr). at (216) 902-6084.

Dated: April 30, 1999.

**J.F. McGowan,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

[FR Doc. 99-12826 Filed 5-20-99; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD08-99-032]

#### Drawbridge Operating Regulation; Lake Pontchartrain, LA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117.5 governing the operation of the Norfolk Southern Railroad bascule drawbridge across Lake Pontchartrain, near Slidell, St. Tammany Parish, Louisiana. This deviation allows the Norfolk Southern Corporation to maintain the bridge in the closed-to-navigation position from 8 a.m. until noon and from 1 p.m. until 5 p.m., Monday through Friday from Monday, June 7, 1999, until Friday, June 18, 1999. At all other times, the bridge will operate normally for the passage of vessels. This temporary deviation is issued to allow for the replacement of railroad ties at the draw span.

**DATES:** This deviation is effective from 8 a.m. on Monday, June 7, 1999, until 5 p.m. on Friday, June 18, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Frank, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, telephone number 504-589-2965.

**SUPPLEMENTARY INFORMATION:** The Norfolk Southern Corporation drawbridge across Lake Pontchartrain, near Slidell, St. Tammany Parish, Louisiana, has a vertical clearance of 2 feet above high water in the closed-to-navigation position. Navigation on the water way consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. The Norfolk Southern Corporation requested a temporary deviation from the normal operation of the bridge in order to accommodate the replacement of railroad ties at the draw span.

This deviation allows the draw of the Norfolk Southern Corporation bridge across Lake Pontchartrain, near Slidell to remain in the closed-to-navigation