

(Lat. 42°52' 51"N., long. 85°31' 22"W)
Spectrum Medical Center/Downtown
Campus, MI Point in Space Coordinates
(Lat. 42°57' 09"N., long. 85°39' 48"W)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of Kent County International Airport, and within a 6.0-mile radius of the Point in Space serving Spectrum Medical Center/Downtown Campus, excluding that airspace within the Sparta, MI, Class E airspace area.

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Issued in Des Plaines, Illinois on December 31, 1998.

Michelle M. Behm,

Acting Manager, Air Traffic Division.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1615 and 1616

Proposed Revocation of Amendments; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed Revocation of Amendments.

SUMMARY: As directed by the fiscal year 1999 appropriations legislation for the Departments of Veterans Affairs and Housing and Urban Development, and several independent agencies, including the Consumer Product Safety Commission, the Commission proposes to revoke certain amendments to the standards for the flammability of children's sleepwear, sizes 0 through 6X and sizes 7 through 14.

DATES: Written comments concerning this proposed revocation are due not later than March 22, 1999.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 504-0800 or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments should be submitted in five copies and captioned "Sleepwear Revocation." Comments may also be filed by telefacsimile to (301) 504-0127 or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: Margaret L. Neily, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0508, extension 1293.

SUPPLEMENTARY INFORMATION:

A. Background

The Consumer Product Safety Commission enforces two flammability standards for children's sleepwear. The flammability standard for children's sleepwear in sizes 0 through 6X is codified at 16 CFR Part 1615. The flammability standard for children's sleepwear in sizes 7 through 14 is codified at 16 CFR Part 1616.

On September 9, 1996, the Commission issued a final rule amending the flammability standards for children's sleepwear to exclude from the definition of "children's sleepwear," codified at 16 CFR 1615.1(a) and 1616.2(a), (1) garments sized for infants nine months of age or younger and (2) tight-fitting garments for children older than nine months. 61 FR 47634. In addition, on January 12, 1999, the Commission voted to issue technical changes to the September 9, 1996 amendments. At the same time, the Commission amended the policy statements at 16 CFR 1615.64(d) and 1616.65(d) so that infant garments and tight-fitting garments can be marketed and promoted with other sleepwear.

B. Legislation

The bill providing fiscal year 1999 appropriations for the Commission and other agencies was enacted on October 21, 1998. Public Law 105-276. Section 429 of that law requires the Commission to propose, for comment, to revoke the 1996 amendments to the sleepwear standards, along with any subsequent amendments, not later than 90 days after October 21, 1998. The law also requires the General Accounting Office ("GAO") to review burn incident data from the ignition of children's sleepwear from small open-flame sources for the period July 1, 1997 through January 1, 1999. The review must be completed by April 1, 1999 and be submitted to the Congress and the Commission.

Based on the GAO findings and other available information, the Commission is required to issue a final rule by July 1, 1999. The final rule must (1) revoke, (2) maintain, or (3) modify the 1996 and other later amendments of the flammability standards for children's sleepwear. The rulemaking conducted with respect to this matter is not subject to (1) the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*, (2) the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.*, (3) the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, (4) the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, (5) the Small Business Regulatory Enforcement

Fairness Act of 1996, Public Law 104-121, or (6) any other statute or Executive order.

Based on the foregoing, the Commission proposes to revoke the September 9, 1996 amendments, and subsequent amendments, including the technical amendments and the amendment to the policy statements. The following amendments would reinstate the substance of flammability standards for children's sleepwear as they existed before the 1996 and later amendments.

List of Subjects in 16 CFR Parts 1615 and 1616

Clothing, Consumer protection, Flammable materials, Infants and children, Labeling, Records, Sleepwear, Textiles, Warranties.

Conclusion

Pursuant to Public Law 105-276, the Commission proposes to amend 16 CFR parts 1615 and 1616 as follows:

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X

1. The authority citation for part 1615 continues to read as follows:

Authority: Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569-70; 15 U.S.C. 1193.

2. Paragraph 1615.1 is amended by removing paragraph (c).

3. Paragraphs 1615.1(d) through (n) are redesignated paragraphs 1615.1(c) through (m), respectively.

4. Section 1615.1 is amended by removing paragraph (o) and revising paragraph (a), to read as follows:

§ 1615.1 Definitions.

* * * * *

(a) Children's Sleepwear means any product of wearing apparel up to and including size 6X, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Diapers and underwear are excluded from this definition.

* * * * *

5. Section 1615.64 is amended by revising paragraph (d) introductory text to read as follows:

§ 1615.64 Policy to clarify scope of the standard.

* * * * *

(d) Retailers, distributors, and wholesalers, as well as manufacturers, importers, and other persons (such as converters) introducing a fabric or garment into commerce which does not meet the requirements of the

flammability standards for children's sleepwear, have an obligation not to promote or sell such fabric or garment for use as an item of children's sleepwear. Also, retailers, distributors, and wholesalers are advised not to advertise, promote, or sell as an item of children's sleepwear any item which a manufacturer, importer, or other person (such as a converter) introducing the item into commerce has indicated by label, invoice, or otherwise, does not meet the requirements of the children's sleepwear flammability standards and is not intended or suitable for use as sleepwear. Additionally, retailers are advised:

* * * * *

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14

1. The authority for part 1616 continues to read as follows:

Authority: Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–570; 15 U.S.C. 1193.

2. Section 1616.2 is amended by removing paragraph (m) and revising paragraph (a) to read as follows:

§ 1616.2 Definitions.

* * * * *

(a) Children's sleepwear means any product of wearing apparel size 7 through 14, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Underwear and diapers are excluded from this definition.

* * * * *

3. Section 1616.65 is amended by revising paragraph (d) introductory text to read as follows:

§ 1616.65 Policy scope of the standard.

* * * * *

(d) Retailers, distributors, and wholesalers, as well as manufacturers, importers, and other persons (such as converters) introducing a fabric or garment into commerce which does not meet the requirements of the flammability standards for children's sleepwear, have an obligation not to promote or sell such fabric or garment for use as an item of children's sleepwear. Also, retailers, distributors, and wholesalers are advised not to advertise, promote, or sell as an item of children's sleepwear any item which a manufacturer, importer, or other person (such as a converter) introducing the item into commerce has indicated by label, invoice, or otherwise, does not meet the requirements of the children's sleepwear flammability standards and is

not intended or suitable for use as sleepwear. Additionally, retailers are advised:

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Dated: January 13, 1999.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 1 Through 124

[USCG–1999–4975]

Regulatory Flexibility Act Section 610 Review

AGENCY: Coast Guard, DOT.

ACTION: Notice of regulatory review; request for comments.

SUMMARY: The Coast Guard requests comments on the economic impact of our regulation on small entities. As required by the Regulatory Flexibility Act and as published in the Department of Transportation's (DOT) Semi-Annual Regulatory Agenda, we are analyzing our first group of regulations during fiscal year 1999 to identify rules which may have a significant economic impact on a substantial number of small entities. At the end of this year of analysis, we will publish a list of those regulations that may have a significant economic impact on a substantial number of small entities and seek public comment on how we can reduce the burden on small entities.

DATES: Comments must reach the Docket Management Facility on or before April 19, 1999.

ADDRESSES: You may mail comments to the Docket Management Facility, (USCG–1999–4975), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You

may also access this docket at the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this document, contact Ms. Christena Green, Office of Regulations and Administrative Law (G–LRA), U.S. Coast Guard Headquarters, Room 3406, telephone 202–267–0133. For questions or viewing or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to participate in our review of regulations by submitting written data, views, or arguments. If you submit comments, you should include your name and address, identify this notice (USCG–1999–4975) and the specific rule to which your comments apply, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want acknowledgment of receipt of your comments, you should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period.

Although the Coast Guard has not scheduled a public meeting concerning this request for comments, you may request a public meeting by submitting a request to the address under **ADDRESSES**. The request should include the reasons why a meeting would be beneficial. If we determine that a public meeting should be held, we will hold the meeting at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Public Law 96–354, requiring periodic review of those regulations that have a significant economic impact on a substantial number of small entities. The Department of Transportation (DOT) published its Semiannual Regulatory Agenda on November 9, 1998, listing in Appendix D (63 FR 62857) those regulations each modal agency will review under Section 610 of the RFA during the next 12 months to see if the agency can minimize their burden on small entities.

Appendix D also contains DOT's 10-year review plan for all of its existing