

number of statutory comparisons that the Commission must conduct.

Consistent with the Administrative Procedure Act, the Commission is adopting these amendments as final without further notice or public comment. See 5 U.S.C. 553(A), (B). To the extent these Procedures involve a "collection of information" within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501-3520, that collection has already been approved by the Office of Management and Budget (OMB) and assigned control number 3084-0047. The present amendments do not modify the existing requirements to require any new or additional collection of information. Furthermore, the requirements of the Regulatory Flexibility Act also do not apply to these amendments, which will not have a significant economic impact on a substantial number of small entities within the meaning of that Act. See 5 U.S.C. 601, 605(b).

#### List of Subjects in 16 CFR Part 901

Administrative practice and procedure, Consumer protection, Credit, Intergovernmental relations.

For the reasons set forth in the preamble, Part 901 of Chapter I of Title 16 of the Code of Federal Regulations is amended as follows:

#### PART 901—PROCEDURES FOR STATE APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE ACT

1. The authority citation for part 901 continues to read as follows:

**Authority:** Pub. L. 95-109, 91 Stat. 874, 15 U.S.C. 1692o; 5 U.S.C. 552.

2. Section 901.3 is amended by revising the introductory text and paragraph (d) to read as follows:

##### § 901.3 Supporting documents.

The application shall be accompanied by the following, which may be submitted in paper or electronic form:

\* \* \* \* \*

(d) A comparison of the provisions of the State law that provides for enforcement with the provisions of section 814 of the Act, together with reasons supporting the claim that such State law provides for administrative enforcement of the State law referred to in paragraph (a) of this section that is substantially similar to, or more extensive than, the enforcement provided under section 814 of the Act.

\* \* \* \* \*

3. Section 901.4 is amended by revising paragraph (b) to read as follows:

##### § 901.4 Criteria for determination.

\* \* \* \* \*

(b) In determining whether provisions for enforcement of the State law referred to in § 901.3(a) are adequate, consideration will be given to the extent to which, under State law, provision is made for administrative enforcement, including necessary facilities, personnel, and funding.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

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BILLING CODE 6750-01-M

#### CONSUMER PRODUCT SAFETY COMMISSION

##### 16 CFR Part 1615

##### Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Correction

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** The Commission is amending the standard for the flammability of children's sleepwear sizes 0 through 6X to correct several references to a paragraph that was redesignated when the Commission amended the standard in 1996. In this document, the Commission is also clarifying the definition of infant garments.

**DATES:** The corrections become effective on June 28, 1999.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Borsari, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0400, extension 1370.

**SUPPLEMENTARY INFORMATION:** This document corrects several references in the children's sleepwear standard for sizes 0 through 6X that were not changed when the Commission amended the standard in 1996.<sup>1</sup> When the standard was amended to exempt infant garments, paragraph 1615.1(c), which defined "item," was changed to 1615.1(d). Several references to this paragraph elsewhere in the standard were not changed to refer to the redesignated paragraph. This notice corrects those references. This notice also corrects the definition of infant garments in paragraph 1615.1(c). As currently worded, the language seems to apply to children aged 9 months or younger, rather than garments sized 9 months or smaller. Garments sized 9 months are typically worn by children

<sup>1</sup> Commissioners Mary Gall and Thomas Moore voted to issue this correction notice. Chairman Ann Brown abstained.

who are actually 5 or 6 months old. This notice clarifies the definition by defining an infant garment as "a garment that is sized nine months or smaller," rather than by defining it as "a garment that is sized for a child nine months of age or younger." Because these are technical corrections rather than substantive rules, there is no need to delay the effective date. 5 U.S.C. 553(d).

#### List of Subjects in 16 CFR Part 1615

Clothing, Consumer protection, Flammable materials, Infants and children, Labeling, Reporting and recordkeeping requirements, Sleepwear, Textiles, Warranties.

Accordingly, 16 CFR part 1615 is corrected by making the following correcting amendments:

#### 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. 569-570; 15 U.S.C. 1193.

##### § 1615.1 [Corrected]

2. In § 1615.1(c)(1) remove the words "Is sized for a child nine months of age or younger" and add, in their place "Is sized nine months or smaller".

##### § 1615.2 [Corrected]

3. In § 1615.2(a), (b) and (c) remove the words "§ 1615.1(c)" and add, in their place "§ 1615.1(d)".

##### § 1615.64 [Corrected]

4. In § 1615.64(a)(1) and (b) remove the words "§ 1615.1(c)" and add, in their place "§ 1615.1(d)".

Dated: June 22, 1999.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 99-16321 Filed 6-25-99; 8:45 am]

BILLING CODE 6355-01-P

#### CONSUMER PRODUCT SAFETY COMMISSION

##### 16 CFR Parts 1615 and 1616

##### Final Rule; 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:** Final rule.

**SUMMARY:** In accordance with the fiscal year 1999 appropriations legislation for the Consumer Product Safety Commission, the Commission is modifying certain amendments to the standards for the flammability of children's sleepwear, sizes 0 through 6X and sizes 7 through 14. As the appropriations legislation directed, the Commission previously proposed to revoke these amendments. Elsewhere in this issue of the **Federal Register**, the Commission is withdrawing that proposed revocation. The Commission is modifying the amendments to require that tight-fitting sleepwear bear a label and hangtag informing consumers why the garments should fit snugly. Also, elsewhere in this issue of the **Federal Register**, the Commission is correcting several references to a paragraph that was redesignated when the standards were amended in 1996. In that notice, the Commission is also clarifying the definition of infant garments.

**DATES:** The rule will become effective on June 28, 2000 and will apply to garments manufactured or imported after that date. The incorporation by reference of certain publications in the regulations is approved by the Director of the Federal Register as of June 28, 2000.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Borsari, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0400, extension 1370.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Commission is modifying exemptions from its standards for the flammability of children's sleepwear to require certain labels and hangtags. The Commission administers two flammability standards for children's sleepwear. 16 CFR part 1615 and part 1616. In 1996, the Commission amended these standards to exempt infant garments sized nine months or smaller and tight-fitting garments larger than size nine months. To qualify as tight-fitting, garments must not exceed the maximum dimensions specified for each size. 61 FR 47634, September 9, 1996. Technical amendments issued on January 19, 1999 made slight adjustments to certain measurement locations. 64 FR 2833, January 19, 1999.

On October 21, 1998, Congress enacted fiscal year 1999 appropriations for the Commission. Public Law 105-276. Section 429 of that law required the Commission to propose to revoke the 1996 amendments to the sleepwear standards. The Commission issued the proposed revocation on January 19,

1999. 64 FR 2867, January 19, 1999. The appropriations legislation directed the Commission to issue a final rule revoking, maintaining or modifying the 1996 amendments and any later amendments by July 1, 1999. The legislation further directed the Commission to consider reports by the General Accounting Office ("GAO") and other available information in making its decision on the amendments. Congress stated that 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.

After reviewing the GAO reports, comments submitted in response to the proposed revocation and other available information, the Commission has decided to modify the 1996 amendments to require certain labels and hangtags.<sup>1</sup> Elsewhere in this issue of the **Federal Register**, the Commission withdraws the proposed revocation and explains why the exemptions should be retained.<sup>2</sup> Also, elsewhere in this issue of the **Federal Register**, the Commission is correcting several references to a paragraph that was redesignated when the standards were amended in 1996.<sup>3</sup>

**B. Existing Information and Education**

When the Commission proposed amendments in 1994 to exempt tight-fitting garments from the children's sleepwear flammability standards it proposed that these garments bear a label stating: "Garment is not flame resistant. For child's safety, garment should be tight-fitting. Loose-fitting clothing is more likely to contact an ignition source and burn." 59 FR 53624, October 25, 1994. Some comments to the proposed rule criticized the proposed labeling as too lengthy and too negative. Some comments suggested that an educational effort informing consumers about tight-fitting sleepwear would be more appropriate. 61 FR 47639-40, September 9, 1996. The Commission considered these

comments and decided not to require labeling in the final amendments. The preamble to the final rule stated:

The Commission concludes that a well-designed and broadly disseminated information and education campaign, developed with guidance from the Commission, will be a better means to inform consumers about appropriate selection and use of the tight-fitting garments exempted from the sleepwear standards \* \* \*

*Id.* 47640. The Commission envisioned a broad information and education ("I&E") campaign that would include point of sale materials such as hangtags, labeling statements on packages, consumer brochures, and store signs as well as a national media campaign. *Id.* Commission staff worked with industry through the American Apparel Manufacturers Association ("AAMA") to develop such materials. There were some initial delays in implementing the I&E campaign due to technical changes needed in the amendments. In part as a result of this, the industry never fully implemented the coordinated, consistent safety message campaign the Commission envisioned. Thus, the type of full-scale voluntary campaign that would reliably inform consumers of the importance of snug fit for these garments has not materialized.

The Commission held a public hearing on April 22, 1999 to obtain additional information about the proposed revocation. Through both the written comments on the proposed revocation and oral testimony the Commission heard criticisms of the existing I&E effort. These commenters stated that when consumers purchase sleepwear they often have little or no information to guide them. According to commenters, informal surveys conducted at various retailers in different parts of the country revealed that some tight-fitting sleepwear did not have hangtags or labels. When tags and labels were present they were sometimes obscured by other tags, stickers or promotional information. Labels might identify a sleepwear garment as 100% cotton, but would not say anything about how the garment should fit or its flammability. Some stores had confusing signs and intermingled sleepwear with non-sleepwear items. (Testimony of Mary Weitzel, Marcia Mabee.)

**C. The GAO Report on I&E**

The Conference Committee Report on the appropriations bill that required the Commission to propose to revoke the sleepwear amendments directed GAO to assess the information and education ("I&E") campaign that industry and the

<sup>1</sup> Commissioners Mary Gall and Thomas Moore voted to require labeling. Chairman Ann Brown abstained.

<sup>2</sup> Commissioners Mary Gall and Thomas Moore voted to withdraw the proposed revocation. Chairman Ann Brown voted against withdrawal.

<sup>3</sup> Commissioners Mary Gall and Thomas Moore voted to issue the corrections. Chairman Ann Brown abstained.

Commission conducted (H.R. Rep. No. 769, 105th Cong., 2d Sess. 267 (1998)).

GAO visited more than 70 retail stores in 14 metropolitan areas across the country. It found hangtags on 73 percent of tight-fitting sleepwear garments. The most common hangtags were the ones that AAMA designed in conjunction with CPSC. The other types of hangtags varied greatly in design but had similar language. Fewer than 16 percent of stores displayed consumer education brochures or signs about sleepwear safety. About 63 percent of stores mixed other clothing (such as long underwear and loose-fitting shirts) along with sleepwear in retail displays. GAO concluded that consumers generally get some information from point of sale materials, but not to the extent the Commission had envisioned. GAO found that concerns about the initial acceptance of tight-fitting sleepwear and fears that the standards might change made industry reluctant to provide more I&E. (70)

The Commission believes that consumers need information to choose appropriate sleepwear. The GAO report confirms that some information, particularly on hangtags, is available, but more needs to be done. The labeling rule the Commission is adding to the standards should ensure that consumers have the information they need about the importance of fit for tight-fitting sleepwear.

#### D. The Labeling Rule

Without the comprehensive I&E campaign the Commission envisioned, consumers do not have the information necessary to choose appropriate sleepwear. Because not all members of the industry have presented a consistent, clear message to consumers, the Commission believes that it is necessary to modify the amendments to require standardized information in clearly visible labels and hangtags.

Testimony at the public hearing and comments to the proposed revocation indicate that some sleepwear manufacturers do provide hangtags and/or labels indicating that garments are tight-fitting. Many others do not. If a label is present, text, format, and size of the labels or hangtags vary. Because of these variations, consumers may not recognize that these garments should be worn to fit snugly. Consumers may mistake some of these labels and

hangtags as promotional literature, and therefore may not read the safety message. In contrast, mandatory labels and hangtags will present information in a consistent and conspicuous style. (65)

Hangtags on each garment will inform consumers at the point-of-purchase that the garment should be worn snug-fitting because it is not flame-resistant. The hangtag states: "For child's safety, garment should fit snugly. This garment is not flame resistant. Loose-fitting garment is more likely to catch fire." The rule specifies the size, font and text of the hangtag. The tags must have black lettering against a yellow background. Specifying these requirements will ensure that the hangtags are distinctive and will not be confused with other tags on the garment. If garments are sold in packages, the packages must display the information that would otherwise be on the hangtag. (65)

The permanent label will provide a shorter message. Because it will remain with the garment, consumers will be able to distinguish between tight-fitting and flame-resistant sleepwear over the garment's life. The label states: "Wear Snug-fitting, Not Flame Resistant." It must appear on the front of the sizing label immediately below the size designation. The text must contrast with the background color of the label. (65)

#### E. Effective Date

Although Congress stated that the Flammable Fabrics Act ("FFA") does not apply to this proceeding, the FFA provides some guidance for an appropriate effective date. The FFA requires a twelve-month effective date unless there is good cause for a different date. 15 U.S.C. 1193(b). The Commission concludes that twelve months is appropriate for the labeling rule. This should allow manufacturers time to print and apply new labels. One year will allow them to make these changes in the course of their usual production schedules. (61) To minimize disruption the rule will apply only to garments manufactured or imported after the effective date.

#### List of Subjects in 16 CFR Parts 1615 and 1616

Clothing, Consumer protection, Flammable materials, Incorporation by reference, Infants and children, Labeling, Reporting and recordkeeping requirements, Textiles, Warranties.

Pursuant to Public Law 105-276, and for the reasons given above, the Commission hereby amends title 16 of the Code of Federal Regulations, Chapter II, Subchapter D, 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 is revised to read as follows:

**Authority:** Sec. 429, Pub. L. 105-276; Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569-570; 15 U.S.C. 1193.

2. Section 1615.1 is amended to add new paragraphs (o)(10) and (o)(11) to read as follows:

#### § 1615.1 Definitions.

\* \* \* \* \*

(o) \* \* \*

(10)(i) *Hangtags*. Bears a hangtag as shown following this paragraph stating "For child's safety, garment should fit snugly. This garment is not flame resistant. Loose-fitting garment is more likely to catch fire." The hangtag must measure 1½" × 6¼". The text must be enclosed in a text box that measures 1" × 5¾" and must be in 18 point Arial font. The hangtag must have a yellow background and black lettering. The color yellow must meet the specifications for Standard Safety Yellow (Hue 5.OY; Value/Chroma 8.0/12) as described in American National Standard ANSI Z535.1-1998, Safety Color Code, p.6, under Munsell Notation.<sup>2</sup> One side of the hangtag must display only this message. The reverse side of the hangtag may display sizing information, but otherwise must be blank. The text must not be obscured by the hole provided for attaching the hangtag to the garment. The hangtag must be prominently displayed on the garment.

BILLING CODE 6355-01-P

<sup>2</sup> ANSI Z535.1-1998, Standard for Safety Color Code, p.6, published by National Electrical Manufacturers Association is incorporated by reference. Copies of this document are available from the National Electrical Manufacturers Association, 1300 N. 17th Street, Suite 1847, Rosslyn, Virginia 22209. This document is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

For child's safety, garment should fit snugly.

This garment is not flame resistant.

Loose-fitting garment is more likely to catch fire.

BILLING CODE 6355-C

(ii) *Packages.* If the garments are sold in packages, the package must have a label as shown following this paragraph with the same language that would

appear on the hangtag. The label must have a text box that measures 3/4" x 3 3/4". The text must be 11 point Arial in black lettering against a yellow background. The packages must be

prominently, conspicuously, and legibly labeled with the required message. The package label may be adhesive.

BILLING CODE 6355-01-P

For child's safety, garment should fit snugly.

This garment is not flame resistant.

Loose-fitting garment is more likely to catch fire.

BILLING CODE 6355-C

(11) Bears a label as shown following this paragraph stating "Wear Snug-fitting, Not Flame Resistant." The text must be printed on the front of the sizing label located on the center back

of the garment and must be immediately below the size designation. The text must be a minimum of 5 point sans serif font in all capital letters and must be set apart from other label text by a line

border. The text must contrast with the background color of the label. The label must not be covered by any other label or tag.

BILLING CODE 6355-01-P

WEAR SNUG-FITTING

NOT FLAME RESISTANT

BILLING CODE 6355-01-C

3. In § 1615.4, footnotes 2 through 4 are redesignated as footnotes 3 through 5 respectively.

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

1. The authority citation for part 1616 is revised to read as follows:

**Authority:** Sec. 429, Pub. L. 105-276; Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569-570; 15 U.S.C. 1193.

2. Section 1616.2 is amended to add new paragraphs (m)(10) and (m)(11) to read as follows:

**§ 1616.2 Definitions.**

\* \* \* \* \*  
(m) \* \* \*

(10)(i) *Hangtags.* Bears a hangtag as shown following this paragraph stating "For child's safety, garment should fit snugly. This garment is not flame resistant. Loose-fitting garment is more likely to catch fire." The hangtag must measure 1 1/2" x 6 1/4". The text must be enclosed in a text box that measures 1"

x 5 3/4" and must be in 18 point Arial font. The hangtag must have a yellow background and black lettering. The color yellow must meet the specifications for Standard Safety Yellow (Hue 5.OY; Value/Chroma 8.0/12) as described in American National Standard ANSI Z535.1-1998, Safety Color Code, p.6, under Munsell Notation.<sup>2</sup> One side of the hangtag must

<sup>2</sup> ANSI Z535.1-1998, Standard for Safety Color Code, p.6, published by National Electrical Manufacturers Association is incorporated by reference. Copies of this document are available

display only this message. The reverse side of the hangtag may display sizing information, but otherwise must be

blank. The text must not be obscured by the hole provided for attaching the hangtag to the garment. The hangtag

must be prominently displayed on the garment.  
BILLING CODE 6355-01-P

For child's safety, garment should fit snugly.

This garment is not flame resistant.

Loose-fitting garment is more likely to catch fire.

**BILLING CODE 6355-01-C**

(ii) *Packages.* If the garments are sold in packages, the package must have a label as shown following this paragraph with the same language that would

appear on the hangtag. The label must have a text box that measures  $\frac{3}{4}$ "  $\times$   $3\frac{3}{4}$ ". The text must be 11 point Arial in black lettering against a yellow background. The packages must be

prominently, conspicuously, and legibly labeled with the required message. The package label may be adhesive.

**BILLING CODE 6355-01-P**

**For child's safety, garment should fit snugly.**

**This garment is not flame resistant.**

**Loose-fitting garment is more likely to catch fire.**

**BILLING CODE 6355-01-C**

(11) Bears a label as shown following this paragraph stating "Wear Snug-fitting, Not Flame Resistant." The text must be printed on the front of the sizing label located on the center back

of the garment and must be immediately below the size designation. The text must be a minimum of 5 point sans serif font in all capital letters and must be set apart from other label text by a line

border. The text must contrast with the background color of the label. The label must not be covered by any other label or tag.

**BILLING CODE 6355-01-P**

**WEAR SNUG-FITTING**

**NOT FLAME RESISTANT**

## BILLING CODE 6355-01-C

3. In § 1616.5, redesignate footnotes 2 through 6 as footnotes 3 through 7 respectively.

Dated: June 22, 1999.

**Sadye E. Dunn,**

*Secretary Consumer Product Safety Commission.*

(Note: Not to be printed in Code of Federal Regulations)

**List of Relevant Documents**

(Note: Not to be printed in Code of Federal Regulations)

1. Memorandum from Liz Gomilla, Division of Regulatory Management and Eric Stone, Division of Administrative Litigation, to Terrance R. Karels, Project Manager, dated March 13, 1992, entitled "Problems Associated with Enforcement of the Children's Sleepwear Standards."

2. Memorandum from Bea Harwood and Terry L. Kissinger, EPHA, to Terrance R. Karels, Project Manager, dated April 20, 1992, entitled "Injury Data Related to the Sleepwear Flammability Standards and Information on Surveys of Burn Treatment Centers."

3. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, dated May 6, 1992, entitled "Final Report, Children's Sleepwear Project."

4. Memorandum from Anthony C. Homan, ECPA, to Terrance R. Karels, Project Manager, dated March 25, 1992, entitled "Market Sketch—Children's Sleepwear."

5. Briefing Memorandum from Terrance R. Karels to the Commission, dated November 3, 1992.

6. **Federal Register** notice "Standards for the Flammability of Children's Sleepwear: Sizes 0 Through 6X and 7 Through 14; Advance Notice of Proposed Rulemaking," published by the Consumer Product Safety Commission; January 13, 1993 (58 FR 4111).

7. **Federal Register** notice "Standards for the Flammability of Children's Sleepwear: Sizes 0 Through 6X and 7 Through 14; Stay of Enforcement," published by the Consumer Product Safety Commission; January 13, 1993 (58 FR 4078).

8. Tabular summaries of comments and staff responses to comments to the Advance Notice of Proposed Rulemaking; 50 pages; July 19, 1994.

9. "Statement by The Children's Sleepwear Coalition In Response to the Consumer Product Safety Commission's Advance Notice of Proposed Rulemaking"; March 25, 1993.

10. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled "Technical Rationale Supporting Tight-Fitting Children's Sleepwear Garments"; March 14, 1994.

11. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled "Recent Conversation Between Staff of Consumer and Corporate Affairs Canada and Commission Staff"; July 17, 1992.

12. Memorandum from Dr. Terry L. Kissinger, EPHA, to Terrance R. Karels, ECPA, entitled "Injury Data Related to the Children's Sleepwear Standards"; February 8, 1994.

13. Memorandum from Dr. Terry L. Kissinger, EPHA, to Terrance R. Karels, ECPA, entitled "Results of Review of Available Literature," and attachments; April 1, 1994.

14. Memorandum from George Sweet, EPHF, to Terrance R. Karels, ECPA, entitled "Human Factors Issues Regarding Sleepwear," and attachment; March 8, 1994.

15. Memorandum from George Sweet, EPHF, to Terrance R. Karels, ECPA, entitled "Garments Intended for Infants"; July 8, 1994.

16. "Preliminary Regulatory and Regulatory Flexibility Analyses for the Proposed Amendments to the Children's Flammability Standards," by Anthony C. Homan, Directorate for Economic Analysis; June, 1994.

17. "Market Sketch—Children's Sleepwear," by Anthony C. Homan, Directorate for Economic Analysis; March, 1992.

18. Memorandum from Eva S. Lehman, HSPS, to Terrance R. Karels, ECPA, entitled "Toxicological Evaluation of Fabrics Used in Children's Sleepwear"; June 7, 1994.

19. Memorandum from Patricia Fairall, CERM, to Terrance Karels, ECPA, entitled "Compliance History—Enforcement of Children's Sleepwear"; 6 pages; April 20, 1994.

20. Memorandum from James F. Hoebel, Acting Director, ESME, to Terrance R. Karels, ECPA, entitled "Amendments to Children's Sleepwear Standards"; July 7, 1994.

21. Memorandum from Dr. Terry L. Kissinger, EPHA, to Terrance R. Karels, ECPA, entitled "Proposed Amendment to Children's Sleepwear Standards"; July 15, 1994.

22. **Federal Register** notice "Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14; Proposed amendments" published by the Consumer Product Safety Commission; October 25, 1994 (59 FR 53616).

23. **Federal Register** notice "Continuation of Stay of Enforcement of Standards for the Flammability of Children's Sleepwear, Sizes 0 Through 6X and 7 Through 14" published by the Consumer Product Safety Commission; October 25, 1994 (59 FR 53584).

24. Comments on proposed amendments.

25. Memorandum from Terry L. Kissinger, Ph.D., EHHA, to Terrance R. Karels, ECPA, entitled "Injury Data Related to the Children's Sleepwear Standards"; July 12, 1995.

26. Letter from Carole LaCombe, Director, Product Safety Canada, to Eric C. Peterson, Executive Director, Consumer Product Safety Commission, concerning Canadian standards for the flammability of children's sleepwear; September 13, 1993.

27. Memorandum from Linda Fansler, ES, concerning telephone conversation between staff of the Consumer Product Safety Commission and staff of Consumer and Corporate Affairs Canada on June 18, 1992, concerning the Canadian standards for the flammability of children's sleepwear.

28. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled "Tight Fitting Children's Sleepwear"; July 14, 1995.

29. Memorandum from Terrance R. Karels, Project Manager, to Warren J. Prunella, Associate Executive Director for Economic Analysis, entitled "Sleepwear Market Update"; October 6, 1995.

30. Final Regulatory Analysis for amendments of the children's sleepwear standards by Terrance R. Karels; July 1995.

31. Memorandum from David Schmeltzer, Assistant Executive Director for Compliance, to Terrance Karels, Project Manager, entitled "Sleepwear Briefing Package"; August 24, 1995.

32. Memorandum from Patricia Fairall, Compliance Officer, to Terrance Karels, Project Manager, entitled "Compliance Discussion of the Proposed Amendments to the Children's Sleepwear Standards"; June 26, 1995.

33. Memorandum from Terry L. Kissinger, Ph.D., EHHA, to Terrance R. Karels, ECPA, entitled "Response to Public Comments Received after Publication of the Notice of Proposed Rulemaking"; July 12, 1995.

34. Memorandum from George Sweet, EPHF, to Terrance R. Karels, ECPA, entitled "Human Factors Responses to Sleepwear NPR Comments"; May 5, 1995.

35. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled "Response to Comments"; July 14, 1995.

36. Memorandum from Suad Nakamura, Ph.D., EHPS, to Terrance R. Karels, Project Manager, entitled "Children's Sleepwear—Response to Comments on the Notice of Proposed Rulemaking"; July 19, 1995.

37. Memorandum from Patricia Fairall, Compliance Officer, to Terrance R. Karels, Program Manager, entitled "Response to Comments from Proposed Amendments to the Children's Sleepwear Standards published in the **Federal Register** on October 25, 1994"; June 26, 1995.

38. Memorandum from Terry L. Kissinger, Ph.D., EHHA, to Terrance R. Karels, ECPA, entitled "Response to Letter from John Krasny to James Hoebel"; August 3, 1995.

39. Memorandum from George Sweet, ESHA, to Terrance R. Karels, ECPA, entitled "Issues involved in amendment the sleepwear flammability regulation: Sizing and Labeling"; September 20, 1995.

40. Memorandum from Karen G. Krushaar, OIPA, to Terrance R. Karels, ECPA, entitled "Children's Sleepwear Informational Campaign"; July 11, 1995.

41. Position statement of the National Fire Protection Association and the Learn Not to Burn Foundation in Opposition to the Proposed Amendment of the Children's Sleepwear Standards; July 1995.

42. Letter from John F. Krasny to J. F. Hoebel concerning paper by Vickers, Krasny, and Tovey entitled "Some Apparel Fire Hazard Parameters"; July 17, 1995.

43. Memorandum from Linda Fansler, ESME, concerning telephone conversation with John Krasny on September 20, 1995.

44. Log of public meeting conducted on April 25, 1995, concerning proposed amendments of the children's sleepwear flammability standards.

45. Memorandum from James F. Hoebel, Chief Engineer for Fire Hazards, to Terrance R. Karels, Project Manager, entitled "Children's Sleepwear"; October 10, 1995.

46. Memorandum from Warren J. Prunella, Associate Executive Director for Economic Analysis, to file concerning small business effects of proposed amendments to the children's sleepwear flammability standards; February 17, 1995.

47. Memorandum from Warren J. Prunella, Associate Executive Director for Economic Analysis, to Eric A. Rubel, General Counsel, concerning requirements for Congressional review of final amendments to the children's sleepwear standards; undated.

48. Vote sheet to accompany briefing package on children's sleepwear flammability standards; October 11, 1995.

49. Memorandum from Terrance R. Karels, Project Manager, and Ronald L. Medford, Assistant Executive Director for Hazard Identification and Reduction entitled "Questions Regarding Children's Sleepwear Amendments," with attachments; January 30, 1996.

50. **Federal Register** notice "Proposed Technical Changes; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14" published by the Consumer Product Safety Commission, May 21, 1998 (63 FR 27877). Corrected on June 11, 1998 (63 FR 31950).

51. **Federal Register** notice "Proposed Clarification of Statement of Policy; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14" published by the Consumer Product Safety Commission, May 21, 1998 (63 FR 27885).

52. **Federal Register** notice "Final Technical Changes; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14" published by the Consumer Product Safety Commission, January 19, 1999 (64 FR 2833).

53. **Federal Register** notice "Final Clarification of Statement of Policy; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14" published by the Consumer Product Safety Commission, January 19, 1999 (64 FR 2832).

54. **Federal Register** notice "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" published by the Consumer Product Safety Commission, January 19, 1999 (64 FR 2867).

55. United States General Accounting Office Report to Congressional Committees and the Consumer Product Safety Commission, "Injury Data Insufficient to Assess the Effect of the Changes to the Children's Sleepwear Safety Standard," GAO/HEHS-99-64, April 1999.

56. Memorandum from Martha A. Kosh, OS, to Sadye E. Dunn, Secretary, OS, "Sleepwear Revocation," list of comments on CF99-1, March 17, 1999.

57. Memorandum from Martha A. Kosh, OS, to Sadye E. Dunn, Secretary, OS, "Sleepwear Revocation," list of additional comments on CF99-1, March 29, 1999.

58. U.S. Consumer Product Safety Commission Public Hearing on Proposed

Revocation of Amendments to Children's Sleepwear Standards, agenda with presenters, April 22, 1999.

59. Memorandum from Marilyn Borsari, Office of Compliance to Margaret Neily, Directorate for Engineering Sciences, "Enforcement History of Children's Sleepwear Standards," May 12, 1999.

60. Memorandum from Terence R. Karels, EC, to Margaret Neily, ES, "Children's Sleepwear Revocation Project," May 27, 1999.

61. Memorandum from Terence R. Karels, EC, to Margaret Neily, ES, "Children's Sleepwear—Issues Related to Proposed Revocation," May 27, 1999.

62. Memorandum from C. Craig Morris, EHHA, to Margaret Neily, ESME, "Sleepwear-Related Thermal Burns in Children under 15 Years Old," June 1, 1999.

63. Memorandum from C. Craig Morris, EHHA, to Margaret Neily, ESME, "Response to Public Comments Related to the Children's Sleepwear Flammability Requirements for sizes 0 to 9 Months," May 28, 1999.

64. Memorandum from Carolyn Meiers, ES, to Margaret Neily, ES, "Human Factors Issues in Sleepwear," May 27, 1999.

65. Memorandum from Carolyn Meiers, ES, to Margaret Neily, ES, "Labeling of Tight-Fitting Sleepwear," May 27, 1999.

66. Memorandum from Linda Fansler, ES, to Margaret Neily, ES, "Review of Foreign Flammability Standards for Children's Sleepwear," May 25, 1999.

67. Memorandum from Linda Fansler, ES, to Margaret Neily, ES, "Response to Comments Received as a Result of Publishing the Children's Sleepwear Revocation Proposal," May 28, 1999.

68. Log of Telephone Call, Linda Fansler, LSE, with Ms. Christine Simpson, Health Canada, Product Safety Bureau, March 31, 1999.

69. Memorandum from Margaret L. Neily, ES, to File, "Analysis of Public Comments on Proposed Revocation of the 1996 and Subsequent Amendments to the Children's Sleepwear Flammability Standards," May 27, 1999.

70. United States General Accounting Office Report to Congressional Committees and the Consumer Product Safety Commission, "Consumer Education Efforts for Revised Children's Sleepwear Safety Standard" June 1999.

71. Memorandum from Carolyn Meiers, ES, to Margaret Neily, ES, "Summary of GAO report, 'Consumer Education Efforts for Revised Children's Sleepwear Safety Standard,'" May 27, 1999.

72. Briefing Memorandum from Ronald L. Medford, Office of Hazard Identification and Reduction and Margaret L. Neily, ES, to the Commission, "Children's Sleepwear Flammability Standards—Analysis of Public Comments on the Proposed Revocation of the September 1996 and Subsequent Amendments," June 3, 1999.

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## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 200

[Release No. IA-1804]

#### Delegation of Authority to Cancel Registration of Certain Investment Advisers

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission ("Commission") is amending its rules to delegate its authority to the Director of the Division of Investment Management to cancel the registration of any investment adviser that is not eligible for Commission registration. This amendment updates the staff's delegated authority to reflect recent amendments to the Investment Advisers Act of 1940, and is intended to conserve Commission resources by permitting the staff to cancel, when appropriate, the registration of investment advisers that are not eligible to be registered with the Commission.

**EFFECTIVE DATE:** The rule will become effective June 28, 1999.

**FOR FURTHER INFORMATION CONTACT:** J. David Fielder, Senior Counsel, at (202) 942-0530, Task Force on Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0506.

**SUPPLEMENTARY INFORMATION:** The National Securities Market Improvement Act of 1996 ("Improvement Act")<sup>1</sup> amended the Investment Advisers Act of 1940 ("Advisers Act") to reallocate federal and state regulatory responsibility for investment advisers. Under section 203A of the Advisers Act, the Commission has regulatory responsibility for advisers with at least \$25 million of assets under management and advisers to a registered investment company.<sup>2</sup> Section 203A prohibits all other advisers from registering with the Commission.<sup>3</sup>

Section 203(h) of the Advisers Act authorizes us to cancel the registration of certain investment advisers.<sup>4</sup> Before enactment of the Improvement Act, we had authority to cancel the registration

<sup>1</sup> Pub. L. No. 104-290, 110 Stat. 3416 (1996) (codified in scattered sections of the United States Code).

<sup>2</sup> 15 U.S.C. 80b-3a(a).

<sup>3</sup> 15 U.S.C. 80b-3a(a). The Commission has adopted a rule that exempts certain types of advisers from this prohibition. 17 CFR 275.203A-2.

<sup>4</sup> 15 U.S.C. 80b-3(h).