

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.

[FR Doc. 99-16320 Filed 6-25-99; 8:45 am]

BILLING CODE 6355-01-P

## 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).

of advisers that were no longer in business, and we delegated this authority to the staff.<sup>5</sup> The Improvement Act amended Section 203(h) and gave us additional authority to cancel the registration of investment advisers that are "prohibited from registering as an investment adviser under section 203A. \* \* \*"<sup>6</sup> Today, we are delegating this authority to the staff as well.

We expect the staff periodically to identify advisers whose registration should be canceled because they are not eligible for Commission registration. The staff may submit matters to the Commission for consideration as it deems appropriate. Before the staff cancels the registration of any adviser, the staff will notify the adviser and provide an opportunity to dispute the basis for the proposed cancellation, and any investment adviser whose registration is canceled by the staff may appeal that decision directly to the Commission.<sup>7</sup>

The Commission finds, in accordance with Section 553(b)(3)(A) of the Administrative Procedure Act, that this amendment relates solely to agency organization, procedure, or practice, and does not relate to a substantive rule.<sup>8</sup> Accordingly, notice and opportunity for public comment are unnecessary, and publication of the amendment 30 days before its effective date is also unnecessary.

**List of Subjects in 17 CFR Part 200**

Administrative practice and procedure, Authority delegations (Government agencies).

**Text of Amendment**

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

**PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS**

1. The authority citation for part 200 continues to read in part as follows:

**Authority:** 15 U.S.C. 77s, 78d-1, 78d-2, 78w, 78ll(d), 78mm, 79t, 77sss, 80a-37, 80b-11, unless otherwise noted.

\* \* \* \* \*

2. Section 200.30-5 is amended by revising paragraph (e)(2) to read as follows:

<sup>5</sup> We have delegated this authority to the Division of Investment Management (17 CFR 200.30-5(e)(2)), the Office of Filings and Information Services (17 CFR 200.30-11(b)(2)(i)), and the Office of Compliance, Inspections and Examinations (17 CFR 200.30-18(h)(1)).

<sup>6</sup> 15 U.S.C. 80b-3(h).

<sup>7</sup> 17 CFR 201.430.

<sup>8</sup> 5 U.S.C. 553(b)(3)(A).

**§ 200.30-5 Delegation of authority to Director of Division of Investment Management.**

\* \* \* \* \*

(e) \* \* \*

(2) Pursuant to section 203(h) of the Act (15 U.S.C. 80b-3(h)), to authorize the issuance of orders canceling registration of investment advisers, or applications for registration, if such investment advisers or applicants for registration are no longer in existence, not engaged in business as investment advisers, or are prohibited from registering as investment advisers under Section 203A of the Act (15 U.S.C. 80b-3a).

\* \* \* \* \*

Dated: June 22, 1999.

By the Commission.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 99-16316 Filed 6-25-99; 8:45 am]

BILLING CODE 8010-01-P

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 20**

**46 CFR Part 5**

[USCG-1998-3472]

RIN 2115-AF59

**Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Correction to interim rule.

**SUMMARY:** This document corrects the interim rule (USCG-1998-3472) as published on May 24, 1999. The rule revises the rules for Practice, Procedure, and Evidence for Administrative Proceedings.

**EFFECTIVE DATE:** This correction is effective June 28, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility (USCG-1998-3472), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001. They are also available over the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this rule, call George J. Jordan, Attorney-Advisor, Office of the Chief Administrative Law Judge, telephone 202-267-0006. For questions on viewing, or submitting material to the docket, call Dorothy Walker, Chief,

Dockets, Department of Transportation, telephone 202-366-9329.

**SUPPLEMENTARY INFORMATION:**

**Background**

This rulemaking was necessary as part of a Coast Guard effort to improve both (1) the administrative efficiency of Coast Guard adjudicative procedures in general and (2) proceedings against merchant mariners' credentials in particular. It follows an overall Coast Guard initiative to streamline its resources, yet maintain effectiveness in all affected areas.

The Coast Guard maintains two separate sets of procedural rules that govern administrative adjudication. 46 CFR part 5 contains the rules for Suspension and Revocation (S&R). These rules have their basis in criminal procedure. 33 CFR part 20 contains the rules for class II civil penalties. These rules have their basis in the Model Rules of Administrative Procedure and in other modern rules for civil procedures. Both sets of rules, however, contain outdated and inefficient procedures, many of which are not effective in the adjudication of Coast Guard actions.

This rulemaking consolidates both sets of rules in 33 CFR part 20. It removes those procedures that impede the efficient handling of cases. In addition, it revises those rules that are not consistent with relevant legal standards and practices.

**Need for Correction**

As published, the interim rule contained both a table that may prove to be misleading and a misnumbering. In the table, the acceptable methods of service did not correspond unambiguously to the types of filed documents. The misnumbering employed a roman numeral instead of an Arabic one.

**Correction of Publication**

Accordingly, correct the interim rule as published on May 24, 1999 (USCG-1998-3472), which is the subject of FR Doc. 99-12750, to read as follows:

**§ 20.304 [Corrected]**

1. On pages 28064 and 28065, correct TABLE 20.304(D) to read as follows:

\* \* \* \* \*

TABLE 20.304 (D).—HOW TO SERVE FILED DOCUMENTS

Type of filed document	Acceptable methods of service
(1) Complaint.	(i) Certified mail, return receipt requested.