

West Plains, MO, West Plains Muni, GPS RWY 36, Orig  
 Fairbury, NE, Fairbury Municipal, NDB-A, Amdt 3  
 Fairbury, NE, Fairbury Municipal, GPS RWY 17, Orig  
 Fairbury, NE, Fairbury Municipal, GPS RWY 35, Orig  
 Reading, PA, Reading Regional/Carl A. Spaatz Field, NDB RWY 36, Amdt 24  
 Reading, PA, Reading Regional/Carl A. Spaatz Field, ILS RWY 13, Orig  
 Reading, PA, Reading Regional/Carl A. Spaatz Field, ILS RWY 36, Amdt 29  
 Reading, PA, Reading Regional/Carl A. Spaatz Field, GPS RWY 18, Orig  
 Reading, PA, Reading Regional/Carl A. Spaatz Field, VOR/DME RNAV OR GPS RWY 13, Amdt 7, CANCELLED  
 Reading, PA, Reading Regional/Carl A. Spaatz Field, VOR/DME RNAV OR GPS RWY 18, Amdt 5, CANCELLED

The FAA published a procedure in Docket No. 29404; Amdt No. 1904 to part 97 to the Federal Aviation Regulations (VOL. 63, FR No. 41, Page 69549, dated Thursday, December 17, 1998) under Section 94.23 which is hereby amended as follows:

Muscatine, IA, Muscatine Muni, VOR/DME RNAV RWY 24, Orig-B, CANCELLED  
 Effective 28 January 1999.

[FR Doc. 99-1103 Filed 1-15-99; 8:45 am]  
 BILLING CODE 4910-13-M

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Parts 1615 and 1616

#### 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

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final Clarification of Statement of Policy.

**SUMMARY:** The Commission amends the policy statements at 16 CFR 1615.64(d) and 1616.65(d) so that infant garments (sized for a child nine months and under) and "tight-fitting" garments (as defined in the sleepwear standards) can be marketed and promoted with other sleepwear.

**DATES:** This clarification of statements of policy shall become effective January 19, 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:**

### 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 47,634. The Commission found that such tight-fitting garments did not present an unreasonable risk of injury. Rather, the Commission's information showed that many severe incidents occurred with loose-fitting garments such as oversized t-shirts used inappropriately as sleepwear. The Commission concluded that garments fitting closely and that touch the body at key points should be exempt from the sleepwear standards because they do not present the same risk as loose-fitting garments. These amendments became effective on January 1, 1997. However, the Commission also issued a stay of enforcement for close-fitting garments which are labeled and promoted as underwear. That stay expired on June 9, 1998.

### B. Clarification

The Commission has become aware that the garment industry is concerned about the policy statements in 16 CFR 1615.64(d) and 1616.65(d), which suggest segregation of items covered by the children's sleepwear standards from all fabrics and garments that are beyond the scope of the children's sleepwear standards. The purpose of the September 9, 1996 final rule was to allow garments sized for a child nine months and under and tight-fitting garments in sizes above nine months to be sold and used as sleepwear. Therefore, the Commission proposed on May 21, 1998 (63 FR 27885) to modify the policy statements at 1615.64(d) and 1616.65(d) to provide that infant garments (defined in the amended sleepwear standard at 16 CFR 1615.1(c)(1) as sized for a child nine months and under) and "tight-fitting" garments (defined in the amended sleepwear standard at 16 CFR 1615.1(o) and 1616.2(m)) can be marketed and promoted with other sleepwear.

One comment was received on the proposed clarification to the sleepwear segregation policy. This comment, from the National Cotton Council, supported the proposed clarification. The comment stated that the amendment is necessary to prevent confusion to the consumer that would come from not allowing infant and tight-fitting sleepwear to be marketed and promoted as sleepwear. The Commission is unaware of any reason not to issue the amendments, and thus, by this notice, the amendments are issued, as they were proposed, in final form.

### C. Effective date

Because this document issues statements of policy, the requirement of 5 U.S.C. 553(d) that the effective date of substantive rules shall not be less than 30 days from their date of publication is not applicable. Consequently, these amended policy statements shall become effective upon their publication in the **Federal Register**.

### D. Issuance

For the reasons stated above, and pursuant to the authority of Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193), the Commission amends 16 CFR 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. 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. "Infant garments" as defined by § 1615.1(c) and "tight-fitting" garments as defined by § 1615.1(o) are exempt from the standard

which requires flame resistance. They may be marketed as sleepwear for purposes of this section. Additionally, retailers are advised:

\* \* \* \* \*

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

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

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

2. 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. "Tight-fitting" garments as defined by § 1616.2(m) are exempt from the standard which requires flame resistance. They may be marketed as sleepwear for purposes of this section. Additionally, retailers are advised:

\* \* \* \* \*

Dated: January 13, 1999.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 99–1139 Filed 1–15–99; 8:45 am]

BILLING CODE 6355–01–P

#### **CONSUMER PRODUCT SAFETY COMMISSION**

#### **16 CFR Parts 1615 and 1616**

#### **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**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final technical changes.

**SUMMARY:** The Commission is amending the flammability standards for children's sleepwear in sizes 0 through 6X and 7 through 14 to make several

technical changes that would correct the definition of "tight-fitting garment." The changes will clarify the points where garment measurements should be made.

**DATES:** The amendments will become effective on February 18, 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:**

##### **A. Background**

The Commission administers two rules issued under section 4 of the Flammable Fabrics Act ("FFA"), 15 U.S.C. 1193, that prescribe flammability tests for children's sleepwear garments and fabrics intended for use in children's sleepwear. The first, issued in 1971 by the Secretary of Commerce, covers children's sleepwear in sizes 0 through 6X. 16 CFR Part 1615. After responsibility for administration and enforcement of the FFA was transferred to the Consumer Product Safety Commission by provisions of section 30(b) of the Consumer Product Safety Act, 15 U.S.C. 2079(b), the Commission issued a flammability standard for children's sleepwear in sizes 7 through 14. The tests in that standard are substantially the same as those in the standard for children's sleepwear in sizes 0 through 6X. The flammability standard for children's sleepwear in sizes 7 through 14 is codified at 16 CFR Part 1616.

Both standards require that test specimens must self-extinguish when exposed to a small open-flame ignition source. Self-extinguishing fabrics and garments are those that stop burning when removed from an ignition source. Both standards require manufacturers of sleepwear garments to perform prototype tests on specimens of fabric, seams, and trim with acceptable results before beginning production of sleepwear garments. Both standards also require manufacturers of sleepwear fabrics and garments to group fabrics and garments into production units and to randomly sample and test products from each production unit. Neither standard requires that specific fabrics or flame-retardant treatments be used in the manufacture of children's sleepwear.

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" (1) garments sized for infants nine months of age or younger and (2) tight-

fitting sleepwear garments for children older than nine months. 61 FR 47634.

The Commission found that such tight-fitting sleepwear did not present an unreasonable risk of injury. Rather, the Commission's information showed that sleepwear incidents occurred with loose-fitting garments such as T-shirts. A review of literature for that amendment showed that fit can influence garment flammability. Garments that fit close to the body are less likely to catch fire in the first place and less likely to allow heat to develop between the fabric and the body, thus decreasing the likelihood of thermal injury. *Id.* The Commission concluded that garments fitting closely and that touch the body at key points should be exempt from the sleepwear standards as they do not present the same risk as loose-fitting garments. These amendments became effective on January 1, 1997. However, the Commission also issued a stay of enforcement for close-fitting garments which are labeled and promoted as underwear. That stay expired on June 1, 1998. 62 FR 60163.

The Commission defined tight-fitting garments as those that did not exceed certain measurements in the chest, waist, seat, upper arm, thigh, wrist, and ankle for each size ranging from over 9 months through children's size 14. In the amendments, the Commission specified maximum allowable measurements for each of these locations for each size garment. 61 FR 47644–47.

##### **B. Statutory Provisions and the Proposed Rule**

The FFA provides that the Commission can issue or amend a flammability standard when the standard may be needed to protect the public from an unreasonable risk of the occurrence of fire leading to death, injury or significant property damage. 15 U.S.C. 1193(a).

Section 4(g) of the FFA states that a proceeding "for the promulgation of a regulation under this section" shall be initiated by publication of an advance notice of proposed rulemaking ("ANPR"). 15 U.S.C. 1193(g). Due to the technical nature and narrow scope of this proceeding, the Commission concluded that an ANPR would be of no value to the public or the Commission.

Thus, the Commission began this proceeding on May 21, 1998, with a notice of proposed rulemaking ("NPR"). 63 FR 27877 (corrected on June 11, 1998, 63 FR 31950). That notice explained that once manufacturers began to design tight-fitting sleepwear that would meet the amendments, they