Rules and Regulations

Federal Register
Vol. 49, No. 55
Tuesday, March 20, 1984

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 598; Navel Orange Reg. 597, Amdt. 1; Navel Orange Reg. 596, Amdt. 2]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 598 establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 23–29, 1984. Regulation 597, Amendment 1, increases the quantity of such oranges that may be shipped during the period March 16–22, 1984, and Regulation 596, Amendment 2, increases the quantity of such oranges that may be shipped during the period March 9–15, 1984. Such action is needed to provide for the orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: Regulation 598 becomes effective March 23, 1984, and the amendments are effective for the periods March 16–22, 1984, and March 9–15, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This regulation and amendments are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the Act.

These actions are consistent with the marketing policy for 1983–84. The marketing policy was recommended by the committee following discussion at a public meeting on September 27, 1983. The committee met again publicly on March 13, 1984 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 533), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information on views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (Navel).

PART 907—[AMENDED]

1. Section 907.898 is added as follows:

§ 907.898 Navel Oranges Regulation 598.

The quantities of navel oranges grown in California and Arizona which may be handled during the period March 23, 1984, through March 29, 1984, are established as follows:

(a) District 1: 1,900,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

2. Section 907.897 Navel Orange Regulation 597 paragraphs (a) through (d) are hereby revised to read:

§ 907.897 Navel Orange Regulation 597.

(a) District 1: 1,900,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

3. Section 907.896 Navel Orange Regulation 596 (49 FR 8234) paragraphs (a) through (d) are hereby revised to read:

§ 907.896 Navel Orange Regulation 596.

(a) District 1: 2,000,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1984.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-7396 Filed 3-19-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 385

[Docket No. 40222-15]

Foreign Policy Controls on Exports to Iran (Anti-Terrorism) and Libya (Petrochemical Processing Complex at Ras Lanuf)

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule.

SUMMARY: The Secretary of State has determined, pursuant to Section 6(i) of the Export Administration Act of 1979, that Iran is a country that has repeatedly provided support for acts of international terrorism (49 FR 2836,

January 23, 1984). Consistent with that determination, this rule imposes on exports to Iran the same restrictions applicable to other countries that have repeatedly provided support for acts of international terrorism.

This rule also amends the licensing policy for exports to Libya. Under the new policy, applications for goods or technical data destined for the petrochemical processing complex at Ras Lanuf, where such items would directly contribute to the development or construction of that complex, generally will be denied.

It has been determined that this rule is necessary to further significantly the foreign policy of the United States.

DATES: Effective date: March 20, 1984. Comments must be received by the Department May 21, 1984.

ADDRESS: Written comments (six copies) should be sent to: Betty Ferrell, Exporter Services Division, Office of Export Adminstration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Vincent Greenwald, Exporter Services Division, (Telephone: (202) 377–3856).

SUPPLEMENTARY INFORMATION:

Saving Clause

Shipment of commodities or technical data removed from general license as a result of these changes that were on dock for lading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export pursuant to actual orders for export before (one week after date of publication) may be exported under the previous general license provisions up to and including (two weeks after date of publication). Any such commodity or technical data not actually exported before midnight (two weeks after date of publication) require a validated export license.

Rulemaking Requirements and Invitation to Comment. In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations. These regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation," because it relates to a foreign affairs function of the United States.

The period for submission of comments will close May 21, 1984. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public records concerning these regulations will be maintained in the Intenational Trade Administration Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

List of Subjects in 15 CFR Part 385

Communist countries, Exports.

PART 385—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

§ 385.4 [Amended]

1. Section 383.4, paragraph (d) is amended as follows:

a. By revising the title to read "People's Democratic Republic of Yemen, Syria, and Iran".

b. By revising in the first sentence the phrase "People's Democratic Republic of Yemen, and Syria" to read "People's Democratic Republic of Yemen, Syria, and Iran".

c. By revising in the first sentence the phrase "in Syria or the People's Democratic Republic of Yemen" to read "in the People's Democratic Republic of Yemen, Syria, or Iran".

d. By removing the last sentence and inserting the following in its place:

* * * * *

(d) * * * When the request for authorization involves use of U.S.-origin parts, components, or materials in foreign-origin products destined for the People's Democratic Republic of Yemen, Syria, or Iran, licensing decisions will take into account whether the U.S. content is 20% or less by value. In the case of Iran, licensing decisions also will take into account the following factors, subject to other applicable export controls:

(1) Whether the transaction involves a contract in effect before January 23, 1984 that requires export or reexport of the goods or technical data in question; and

(2) Whether the goods or technical data had been exported from the U.S. before that date.

Applicants who wish such factors to be considered in reviewing their license applications must submit adequate documentation demonstrating the value of the U.S. content, the existence of the pre-existing contract, or the date of export from the U.S. Pursuant to the requirements of subsection 6(i) of the Act, the appropriate Congressional Committee will be notified 30 days before any application falling under this subsection valued at $7 million or more is approved.

2. Section 385.7 is amended by revising the period at the end of (a)(1)(ii) to a semicolon, and adding the word "and"; by adding a paragraph (a)(1)(iii); by redesignating paragraph (a)(2)(ii)(B) as (C), and inserting a new Paragraph (a)(2)(ii) (B), reading as follows:

§ 385.7 Country Group S: Libya.

* * * * *

(a) * * *

(1) * * *

(iii) Goods and technical data destined for the petrochemical processing complex at Ras Lanuf, where such items would contribute directly to the development or construction of that complex. Items destined for the township at Ras Lanuf, or for the public utilities or harbor facilities associated

with that township, generally will *not* be regarded as making such a contribution where their functions will be primarily related to the township, utilities or harbor."

(2) * * *

(ii) * * *

(B) Items destined for use in the development or construction of the petrochemical processing complex at Ras Lanuf, where the transaction could be approved but for the general policy of denial set out in paragraph (a)(1)(iii) of this section, and where either—

(*1*) The transaction involves a contract in effect before December 20, 1983 that requires export or reexport of the goods or technical data in question; or

(*2*) The goods or technical data had been exported from the U.S. before that date.

* * * * *

Authority: Secs. 6, 13 and 15, Pub. L. 96–72, 93 Stat 503 as amended, 50 U.S.C. app. 2401 *et seq.*, Executive Order No. 12214 (45 FR 29783, May 6, 1980); Executive Order No. 12451 of December 20, 1983 (48 FR 56563, December 22, 1983).

Dated: March 16, 1984.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 84–7542 Filed 3–16–84; 1:22 pm]

BILLING CODE 3510-DT-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1615 and 1616

Flammability Standards for Children's Sleepwear; Statements of Enforcement Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Final rules.

SUMMARY: The Commission issues final statements of enforcement policy concerning the flammability standards for children's sleepwear in sizes 0 through 6X and sizes 7 through 14. The policy statements set forth the factors which the Commission will consider when deciding whether particular fabrics or garments are items of children's sleepwear subject to the standards. The Commission issues these policy statements to replace two earlier policy statements concerning the same subject which were set aside by a United States Court of Appeals on judicial review.

DATE: The policy statements become effective April 19, 1984.

FOR FURTHER INFORMATION CONTACT: Elizabeth Gomilla, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6400.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission enforces two flammability standards for children's sleepwear. One is applicable to children's sleepwear in sizes 0 through 6X and is codified at 16 CFR Part 1615; the other is applicable to childern's sleepwear in sizes 7 through 14 and is codified at 16 CFR Part 1616.

The testing provisions of both standards are identical and require that children's sleepwear garments and fabrics intended for use in such garments must self-extinguish when exposed to a small open-flame ignition source.

The standards are applicable to any "item" of "children's sleepwear" as those terms are defined in the standards. The term "item" is defined in each standard to mean "any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear." (16 CFR 1615.1(c), 1616.2(c)).

The term "children's sleepwear" is defined in each standard to mean "any product of wearing apparel" in the sizes subject to its coverage "such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping." (16 CFR 1615.1(a), 1616.2(a)) Diapers and underwear are specifically excluded from the definition of "children's sleepwear" in each standard.

In the Federal Register of November 6, 1980 (45 FR 73884), the Commission issued statements of enforcement policy concerning the applicability of the sleepwear flammability standards to certain children's garments and fabrics intended for use in children's garments. (3)[1] The purpose of the policy statements was to clarify and interpret language used in the two standards to define the terms "item" and "children's sleepwear." The policy statements set forth factors which the Commission would consider when deciding whether a particular garment or fabric is an item of children's sleepwear within the scope of the sleepwear flammability standards.

Basically, the policy statements provided that whether a fabric or related material is "intended or promoted" for use in children's sleepwear depends upon several factors including (1) the nature of the fabric and its suitability for use in children's sleepwear; (2) the extent to which the fabric, or a comparable fabric, has been sold to manufacturers of children's sleepwear for use in the manufacture of children's sleepwear garments; and (3) the likelihood that the fabric will be used for sleepwear in a substantial number of cases.

With regard to sleepwear garments, the policy statements provided that whether a garment is "intended to be worn primarily for sleeping" depends upon (1) the nature of the product and its suitability for use by children for sleeping or activities related to sleeping; (2) the manner in which the product is distributed and promoted; and (3) the likelihood that the product will be used by children for sleeping in a substantial number of cases.

The policy statements provided further that if a substantial question arises as to the applicability of these factors to a particular fabric or garment, it would be advisable for the manufacturer or importer to place a prominent warning on labels, invoices, and packages that the product in question does not meet the requirements of the children's sleepwear flammability standard and is not intended or suitable for use as children's sleepwear. However, the policy statements also contained language to the effect that such a disclaimer would not bind the Commission in an enforcement action if, in the opinion of the Commission, a fabric is in fact promoted for use in children's sleepwear, or a garment is in fact intended or promoted to be worn primarily for sleeping or activities related to sleeping. (3)

These policy statements were the subject of an action for judicial review brought by National Knitwear Manufacturers Association. That organization contended that by issuing the policy statements, the Commission had in effect amended the standards to make them applicable to certain garments not previously within their coverage, and that the Commission had not followed all of the procedures required by section 4 of the Flammable Fabrics Act (FFA, 15 U.S.C. 1193) for amendment of a flammability standard. (4)

The Commission acknowledged that in issuing the policy statements it had not followed the procedures required by the FFA to amend the children's sleepwear flammability standards, but argued that the issuance of November 6,

[1] Numbers in parentheses identify reference documents listed in the Bibliography at the end of this notice. Requests for inspection of any of these documents should be made at the Commission's public reading room, 1111 18th Street NW., Washington, D.C., or by calling the Office of the Secretary at (301) 492–6800.

1980, was clearly and properly designated a policy statement because it did not establish a standard of conduct having the force of law, or have any substantive impact on the duties of persons or firms subject to the Commission's jurisdiction. (5)

In *National Knitwear Manufacturers Association* v. *CPSC*, 666 F2d 81 (1981), the United States Court of Appeals for the Fourth Circuit rejected the Commission's assertion that the issuance of November 6, 1980 was an explanation policy, and set it aside after concluding that in reality it was an amendment of the children's sleepwear standards which did not comply with all procedural requirements for the FFA.

Revocation and New Proposal

In the **Federal Register** of February 11, 1983, the Commission published one notice to revoke the policy statements set aside by the *National Knitwear* decision at 48 FR 6329 (7), and a second notice proposing new statements of enforcement policy to replace them at 48 FR 6350(8).

The proposed policy statements set forth essentially the same factors to be considered when deciding whether a fabric or garment is subject to the children's sleepwear standards as those in the FTC policy statement of 1972 and the Commission's previous policy statements issued in 1980.

However, the proposed policy statements differed from the ones set aside by the Court of Appeals by incorporating the definitions of the terms "item" and "children's sleepwear" as they appear in the standards. As stated above, the definitions of the term "children's sleepwear" in both standards specifically exclude diapers and underwear from the coverage of the standards. In the proposal of February 11, 1983, the Commission stated that inclusion of these definitions from the standards in the text of the proposed policy statements was intended to demonstrate clearly that the Commission was not proposing to alter or modify any provision of the two standards.

Additionally, unlike the previous policy statements, the proposals contained no language advising use of a label to warn that fabrics or garments do not comply with the standards, and no statement concerning the effect of such a label on any decision by the Commission to initate an enforcement action with regard to any item bearing a disclaimer on a label. In the proposals, the Commission expressed the view that elimination of language concerning the use and effect of negative labels on certain fabrics and garments would remove one aspect of the previous policy statements which the reviewing court found objectionable, without significantly diminishing the utility of the policy statements to manufacturers, importers, distributors, and retailers of children's garments and fabrics used to manufacture such garments.

Comments on Proposal

In response to the notice proposing new statements of enforcement policy, the Commission received written comments from American Apparel Manufacturers Association (9) and from National Knitwear Manufacturers Association (10).

Both comments favored issuance of final statements of enforcement policy based on the proposal of February 11, 1983.

The comment from American Apparel Manufacturers Association stated that that organization had supported issuance of the Commission's previous policy statements on the same subject, and fully supports issuance of the policy statements proposed on February 11, 1983 (9).

The comment from National Knitwear Manufacturers Association expressed the view that the proposal of February 11, 1983, overcome that organization's objections to the previous policy statements, and stated that the proposed policy statements would serve a useful purpose by advising retailers not to alter the intended use of a product by advertising or marketing practices (10).

After consideration of these comments, the Commission has decided to issue final statements of enforcement policy based on the proposal. The policy statements issued below contain all provisions of the ones proposed on February 11, 1983.

Language has been added to both policy statements issued below to state that the factors listed in the policy statements are for guidance only, and are not elements of the definitions of the term "children's sleepwear" in the standards. For this reason, a particular product may be considered to be an item of children's sleepwear, even if all factors listed in the policy statement are not present.

These additional provisions appear at §§ 1615.64(c)(3) and 1616.65(c)(3) of the statements issued below. They have been added to clarify the guidance contained in the policy statements, and are similar to language that appeared in the Commission's earlier policy statements on the same topic.

List of Subjects in 16 CFR Parts 1615, 1616

Clothing, consumer protection, flammable materials, infants and children, textiles.

Conclusion and Promulgation

After consideration of written comments on the proposal and other relevant information, the Commission concludes that policy statements concerning enforcement of the children's sleepwear standards should be issued on a final basis, with the modification discussed above, to become effective April 19, 1984.

Therefore, in accordance with provisions of the Flammable Fabrics Act (Sec. 5, Pub. L. 90–169, 81 Stat. 569; 15 U.S.C. 1194), the Consumer Product Safety Act (Sec. 30 Pub. L. 92–573; 15 U.S.C. 2079), and the Administrative Procedure Act (5 U.S.C. 553), the Consumer Product Safety Commission hereby amends the Code of Federal Regulations, Title 16, Chapter II, Subchapter D, as follows:

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR SIZES 0 THROUGH 6X (FF 371)

Part 1615, Subpart C is amended by adding a new § 1615.64 to read as follows:

§ 1615.64 Policy to clarify scope of the standard.

(a) The Standard for Flammability of Children's Sleepwear: Size 0 Through 6X (16 CFR Part 1615) is applicable to any item of children's sleepwear in sizes 0 through 6X.

(1) The term "item" is defined in the Standard at § 1615.1(c) to mean "any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear."

(2) The term "children's sleepwear" is defined in the Standard at § 1615.1(a) to mean "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 relating to sleeping. Diapers and underwear are excluded from the definition."

(b) The Commission makes the following statement of policy regarding (1) the phrase "intended or promoted" as used in the definition of "item" in § 1615.1(c), and (2) the phrase "intended to be worn primarily for sleeping or activities related to sleeping" as used in the definition of "children's sleepwear" in §1615.1(a).

(c) For enforcement purposes, the meaning of these phrases will be interpreted by the Commission in accordance with the following principles:

(1) *Sleepwear fabrics and related materials.* Whether fabric or related material is "intended or promoted" for use in children's sleepwear depends on the facts and circumstances in each case. Relevant factors include:

(i) The nature of the fabric and its suitability for use in children's sleepwear;

(ii) The extent to which the fabric or a comparable fabric has been sold to manufacturers of children's sleepwear for use in the manufacture of children's sleepwear garments; and

(iii) The likelihood that the fabric will be used primarily for children's sleepwear in a substantial number of cases.

(2) *Sleepwear garments.* Whether a product of wearing apparel is "intended to be worn primarily for sleeping or activities related to sleeping" depends on the facts and circumstances present in each case. Relevant factors include:

(i) The nature of the product and its suitability for use by children for sleeping or activities related to sleeping;

(ii) The manner in which the product is distributed and promoted; and

(iii) The likelihood that the product will be used by children primarily for sleeping or activities related to sleeping in a substantial number of cases.

(3) The factors set forth in this policy statement are guidelines only, and are not elements of the definition of the term "children's sleepwear" in § 1615.1(a) of the Standard. For this reason, a particular fabric or garment may meet the definition of "children's sleepwear" set forth in the Standard, even though all factors listed in this policy statement are not present.

(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:

(1) To segregate, by placement in different parts of a department or store, fabrics and garments covered by the children's sleepwear standards from all fabrics and garments that are beyond the scope of the children's sleepwear standards but which resemble items of children's sleepwear;

(2) To utilize store display signs indicating the distinction between types of fabrics and garments, for example by indicating which are sleepwear items and which are not; and

(3) To avoid the advertisement or promotion of a fabric or garment that does not comply with the children's sleepwear flammability standard in a manner that may cause the item to be viewed by the consumer as an item of children's sleepwear.

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5–74)

Part 1616, Subpart C, is amended by adding a new section, as follows:

§ 1616.65 Policy scope of the standard.

(a) The Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (16 CFR Part 1616) is applicable to any item of children's sleepwear in sizes 7 through 14.

(1) The term "item" is defined in the Standard at § 1616.2(c) to mean "any product of children's sleepwear or any fabric or related material intended or promoted for use in children's sleepwear."

(2) The term "children's sleepwear" is defined in the Standard at § 1616.2(a) to mean "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."

(b) The Commission makes the following statement of policy regarding (1) the phrase "intended or promoted" as used in the definition of "item" in § 1616.2(c), and (2) the phrase "intended to be worn primarily for sleeping or activities related to sleeping" as used in the definition of "children's sleepwear" in § 1616.2(a).

(c) For enforcement purposes, the meaning of these phrases will be interpreted by the Commission in accordance with the following principles:

(1) *Sleepwear fabrics and related materials.* Whether fabric or related material is "intended or promoted" for use in children's sleepwear depends on the facts and circumstances in each case. Relevant factors include:

(i) The nature of the fabric and its suitability for use in children's sleepwear.

(ii) The extent to which the fabric or a comparable fabric has been sold to manufacturers of children's sleepwear for use in the manufacture of children's sleepwear garments; and

(iii) The likelihood that the fabric will be used primarily for children's sleepwear in a substantial number of cases.

(2) *Sleepwear garments.* Whether a product of wearing apparel is "intended to be worn primarily for sleeping or activities related to sleeping" depends on the facts and circumstances present in each case. Relevant factors include:

(i) The nature of the product and its suitability for use by children for sleeping or activities related to sleeping;

(ii) The manner in which the product is distributed and promoted; and

(iii) The likelihood that the product will be used by children primarily for sleeping or activities related to sleeping in a substantial number of cases.

(3) The factors set forth in this policy statement are guidelines only, and are not elements of the definition of the term "children's sleepwear" in § 1616.2(a) of the Standard. For this reason, a particular fabric or garment may meet the definition of "children's sleepwear" set forth in the Standard, even though all factors listed in this policy statement are not present.

(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:

(1) To segregate, by placement in different parts of a department or store, fabrics and garments covered by the children's sleepwear standards from all fabrics and garments that are beyond the scope of the children's sleepwear standards but which resemble items of children's sleepwear.

(2) To utilize store display sign indicating the distinction between types of fabrics and garments, for example by indicating which are sleepwear items and which are not; and

(3) To avoid the advertisement or promotion of a fabric or garment that does not comply with the children's sleepwear flammability standards in a manner that may cause the item to be viewed by the consumer as an item of children's sleepwear.

(Sec. 5 Pub. L. 90–189, 81 Stat. 569, 15 U.S.C. 1194; Sec. 30(b), Pub. L. 92–573, 86 Stat. 1231, 15 U.S.C. 2079(b); 5 U.S.C. 553)

Dated: March 15, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Bibliography

1. **Federal Register** notice, "Children's Sleepwear Enforcement Policy Statement Concerning Standard for Flammability," published by Federal Trade Commission; 2 pages; March 23, 1972 (37 FR 5982).

2. **Federal Register** notice, "Flammability Standards for Children's Sleepwear, Statements of Enforcement Policy," published by Consumer Product Safety Commission; 3 pages; October 22, 1979 (44 FR 60755).

3. **Federal Register** notice, "Flammability Standards for Children's Sleepwear, Statements of Enforcement Policy," published by Consumer Product Safety Commission; 5 pages; November 8, 1980 (43 FR 73884).

4. Brief for petitioner, *National Knitwear Manufacturers Association* v. *CPSC;* 36 pages; April 10, 1981.

5. Brief for respondent, *National Knitwear Manufacturers Association* v. *CPSC;* 29 pages; May 11, 1981.

6. Letter to Jonathan Kahan from Martin Howard Katz, General Counsel concerning decision in *National Knitwear Manufacturers Association* v. *CPSC;* 3 pages, June 3, 1982.

7. **Federal Register** notice, "Flammability Standards for Children's Sleepwear; Revocation of Statements of Enforcement Policy," published by Consumer Product Safety Commission; 1 page; February 11, 1983 (48 FR 6329).

8. **Federal Register** notice, "Flammability Standards for Children's Sleepwear; Proposed Statements of Enforcement Policy," published by Consumer Product Safety Commission; 5 pages; February 11, 1983 (48 FR 6350).

9. Comment on proposed policy statements from American Apparel Manufactures Association; 2 pages; March 29, 1983.

10. Comment on proposed policy statement from National Knitwear Manufacturers Association; 6 pages; April 12, 1983.

[FR Doc. 84-7458 Filed 3-19-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 629 and 630

Interpretation of Job Training Partnership Act Rules and Regulations Pertaining to Summer Youth Employment and Training Programs

AGENCY: Employment and Training Administration, Labor.

ACTION: Interpretation.

SUMMARY: This document contains final interpretations of Job Training Partnership Act (JTPA) rules and regulations pertaining to the operation of the summer youth employment and training program (SYETP).

In particular, this notice announces the policy of the Department of Labor with respect to three issues. They are: (1) At what point in time may costs be incurred for the SYETP; (2) how may such costs be paid for prior to the receipt of SYETP funds; and (3) how should the requirement that individuals be enrolled in a SYETP within 45 days of the date of application be interpreted (Section 629.1(b)(2))?

DATES: This interpretation will become effective 15 days from the date of publication and will remain in effect unless withdrawn or superseded by another issuance. Comments on this notice will be accepted for 15 days following publication.

FOR FURTHER INFORMATION CONTACT: Robert N. Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street, NW., Room 6402, Washington, D.C. 20213, telephone number: (202) 376–6093.

SUPPLEMENTARY INFORMATION: With regard to the question of the point in time from which costs for planning may be incurred for the SYETP, the Department's position is that costs may be incurred subsequent to the receipt of allocations by the State and the service delivery areas (SDAs).

With regard to the question of how to pay for such costs prior to the receipt of obligational authority, there is nothing in the JTPA or the implementing regulations that precludes a State from establishing a policy that other resources available to SDAs may be utilized for whatever planning is required in anticipation of receiving obligational authority for the SYETP. This policy could legitimately include borrowing from other available JTPA funds. Any borrowed funds would of course have to be replaced once the SYETP funds are received. The fiscal control and fund accounting procedures established by the State as required by Section 164(a)(1) of JTPA are the controlling aspects of this issue.

With respect to the third issue, Section 629(b)(2) (requiring enrollment of participants within 45 days of eligibility determination) was designed to ensure the proper targetting among the wide range of potentially eligible people. It was not intended to restrain the traditional process SDAs have used for enrolling participants in the Title II–B summer youth employment program. Because of the need for massive eligibility reviews, massive hiring at a single time, and the limitation of youth participation in the program, the Secretary would not find it inconsistent with the regulations if all eligible summer applicants were enrolled within the 45-day period into a summer youth enrollee pool. With the commencement of summer youth activities, participants for the activities may be selected from the enrollee pool. A new application or the reverification of the information on the initial application would not be necessary for individuals selected from the enrollee pool. However, the Secretary would consider such an enrollee pool to be unnecessary for the needs and inconsistent with the requirements of the Title II–A program.

Signed this 13th day of March 1984.

Patrick J. O'Keefe,

Deputy Assistant Secretary of Labor.

[FR Doc. 84-7449 Filed 3-19-84; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 44

[Docket No. R-83-1131; FR 1813]

Non-Federal Governmental Audit Requirements; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Correction to authority citation.

SUMMARY: This document corrects the authority citation contined in a correction document announcing the effective date of an interim rule concerning Non-Federal Governmental Audit Requirements which was published on March 6, 1984 (49 FR 8246).

FOR FURTHER INFORMATION CONTACT: Steven A. Switzer, Assistant Inspector General for Audit, Office of Inspector General, Telephone number (202) 755–6342. (This is not a toll-free number).

Accordingly, the following correction is made in FR Doc. 84–5981 appearing on page 8246 in the issue of March 6, 1984:

1. In FR Doc. 84–5981, on page 8246 in the issue of March 6, 1984, middle column, near bottom of page, the authority citation "Section 7(d), Department of HUD Act, (49 U.S.C. 3535(d))" is corrected to read "Section 7(d), Department of HUD Act, (42 U.S.C. 3535(d))".

Authority: Section 7(d), Department of HUD Act, (42 U.S.C. 3535(d)).

Dated: March 14, 1984.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 84–7374 Filed 3–19–84; 8:45 am]

BILLING CODE 4210–32–M

24 CFR Part 51

[Docket No. R–84–709; FR–935]

Environmental Criteria and Standards; Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chemicals of an Explosive or Flammable Nature; Changed Effective Date and Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of changed effective date to final rule and correction to subpart C.

SUMMARY: The Department of Housing and Urban Development is delaying until April 2, 1984, the effective date for a recently published final rule affecting 24 CFR Part 51, Subpart C, Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature. It is also making certain technical corrections to errors contained in that document.

EFFECTIVE DATE: The effective date is being changed from March 22, 1984 to April 2, 1984.

FOR FURTHER INFORMATION CONTACT: James L. Christopulos, Office of Environment and Energy, Telephone number, (202) 755–7225. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On February 10, 1984 (49 FR 5100), the Department published a final rule for 24 CFR Part 51, Subpart C, that provided standards for the safe siting of HUD-assisted projects near hazardous operations that handle petroleum products or chemicals of an explosive or flammable nature. The rule contained an effective date of March 22, 1984. Since publication of that rule, it has been learned that the Environmental Protection Agency has approved the final Environmental Impact Statement (EIS) entitled: Siting of HUD-Assisted Projects near Hazardous Operations Handling Petroleum Products or Chemicals of an Explosive or Flammable Nature to become effective on April 2, 1984. In order to make the regulation consistent with the EPA approval, the effective date for this rule is being delayed until April 2, 1984.

The Department is also taking this opportunity to correct technical errors in the published rule.

Accordingly, the following corrections are being made in FR Doc. 84–3516, in the issue of February 10, 1984 appearing on page 5100:

1. On page 5100, the effective date is being changed from March 22, 1984 to April 2, 1984;

2. On page 5105, first column, near top of page, the first full sentence is being corrected from "The implementation procedure will be part of the environmental assessment process in accordance with the decision points set forth in 24 CFR Part 50," to read, "The implementation procedure will be part of the environmental assessment process in accordance with the procedures set forth in 24 CFR Part 50 and 24 CFR Part 58"; and

3. On page 5105, first column, at bottom of page, item 2 erroneously indicates that "The Appendix, Definition of Acoustical Quantities is removed." The purpose of this correction is to reinstate The Appendix, Definition of Acoustical Quantities.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: March 14, 1984.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 84–7375 Filed 3–19–84; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Removal of Certain Conditions on the Approval of the Pennsylvania Permanent Regulatory Program and Approval of Amendments to the Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR 938 by (1) removing part of condition (j) on the approval of the Pennsylvania permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) pertaining to the mandatory review of permits for a pattern of violation; and (2) approving additional amendments to the Pennsylvania program relating to inspection and enforcement provisions.

By a letter dated September 7, 1983, Pennsylvania submitted to OSM amendments consisting of modifications to Pennsylvania's surface and underground coal inspection, enforcement and penalty procedures including a change that was intended to satisfy condition (j)(2) of the Secretary's approval of July 30, 1982 (47 FR 33050) relating to the mandatory review of permits for a pattern of violation.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Secretary has determined that the modifications to the Pennsylvania program satisfy condition (j)(2) of the Secretary's approval and meet the requirements of SMCRA and the Federal permanent program regulations. The Federal rules at 30 CFR Part 938 which codify decisions concerning the Pennsylvania permanent regulatory program are being amended to implement to these actions.

EFFECTIVE DATE: The removal of the condition and approval of the associated program amendments are effective March 20, 1984.

FOR FUTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania State Program

The Secretary of the Interior approved the Pennsylvania program on July 30, 1982, conditioned on the correction of ten minor deficiencies. At the time of the Secretary's conditional approval, Pennsylvania agreed to meet the ten minor conditions, many of which contained several parts, by the schedule contained in the **Federal Register** dated July 30, 1982 (47 FR 33050)

Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Pennsylvania program