

FOR FURTHER INFORMATION CONTACT:
Patricia M. Pollitzer, Office of General
Counsel, Consumer Product Safety
Commission, Washington, D.C. 20207;
telephone (301) 504-0980, extension
2219.

SUPPLEMENTARY INFORMATION: This document corrects two references in the Commission's petition procedures. Section 1051.1 explains the scope of the petition procedures. Subsection 1051.1(c), discussing petitions under the Federal Hazardous Substances Act, refers to 16 CFR 1500.201 and 21 CFR 2.65. Neither of these references apply now. 16 CFR 1500.201 merely restated certain statutory provisions and was withdrawn on March 6, 1991 (56 FR 9276). 21 CFR 2.65 was replaced in 1979 with rules that apply only to the Food and Drug Administration (44 FR 22323). Therefore, the Commission is eliminating these references. Because these are technical corrections that do not make a substantive change, notice and comment is unnecessary. 5 U.S.C. 553(b). Nor is there any need to delay the effective date. 5 U.S.C. 553(d).

List of Subjects in 16 CFR Part 1051

Administrative practice and procedure, Consumer protection.

Accordingly, 16 CFR part 1051 is corrected by making the following correcting amendments:

PART 1051—PROCEDURE FOR PETITIONING FOR RULEMAKING

1. The authority citation for Part 1051 continues to read as follows:

Authority: 5 U.S.C. 553(e), 5 U.S.C. 555(e).

2. In § 1051.1(c), first sentence, remove the comma and the words "16 CFR 1500.201, and 21 CFR 2.65".

Dated: September 1, 1999.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 99-23230 Filed 9-7-99; 8:45 am]

BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1615 and 1616

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

AGENCY: Consumer Product Safety Commission.

ACTION: Correcting amendments.

SUMMARY: The Commission recently issued labeling requirements for tight-fitting children's sleepwear. Examples of the labels printed with the requirements did not conform completely to the requirements. This document provides correct illustrations of the labels. Also, the requirements specified Arial font for hangtags and package labels. To conform to ANSI guidelines referenced in the labeling rule and to allow greater flexibility, the Commission will allow either Arial or Helvetica font.

DATES: The corrections become effective on June 28, 2000.

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

SUPPLEMENTARY INFORMATION: On June 28, 1999, the Commission issued labeling requirements amending the flammability standards for children's sleepwear. 64 FR 34533. The Commission required that tight-fitting

sleepwear bear a label and hangtag informing consumers why the garments should fit snugly. Sleepwear sold in packages must have a label similar to the hangtag. Illustrations printed in the **Federal Register** with the requirements did not show the correct scale and font of these labels. This document shows accurate illustrations.

The requirements called for the hangtag and package labels to be in Arial font. To allow more flexibility and to conform to the ANSI Standard Z535.4-1998 for Product Safety Signs and Labels, the corrected requirements will allow either Arial or Helvetica font. These two fonts are nearly identical in appearance, but some computers or printing systems may have only one type.

These corrections will become effective on the same date as the original labeling requirements, June 28, 2000.

List of Subjects in 16 CFR Parts 1615 and 1616

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

Accordingly, 16 CFR parts 1615 and 1616 are 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.

2. In § 1615.1(o)(10)(i) and (ii) after the word "Arial" add "/Helvetica".

3. In § 1615.1(o)(10)(i) remove the illustration at the end of the text and add the following illustration in its place:

For child's safety, garment should fit snugly.
This garment is not flame resistant.
Loose-fitting garment is more likely to catch fire.

4. In § 1615.1(o)(10)(ii) remove the illustration at the end of the text and add the following illustration in its place:

For child's safety, garment should fit snugly.
This garment is not flame resistant.
Loose-fitting garment is more likely to catch fire.

5. In §1615.1(o)(11) remove the illustration at the end of the text and add the following illustration in its place, including the caption:

WEAR SNUG-FITTING
NOT FLAME RESISTANT

Example in 10 pt Arial font

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. 569–570; 15 U.S.C. 1193.

2. In §1616.2(m)(10)(i) and (ii) after the word “Arial” add “/Helvetica”.

3. In §1616.2(m)(10)(i) remove the illustration at the end of the text and add the following illustration in its place:

For child's safety, garment should fit snugly.
This garment is not flame resistant.
Loose-fitting garment is more likely to catch fire.

4. In §1616.2(m)(10)(ii) remove the illustration at the end of the text and add the following illustration in its place:

For child's safety, garment should fit snugly.
This garment is not flame resistant.
Loose-fitting garment is more likely to catch fire.

5. In §1616.2(m)(11) remove the illustration at the end of the text and add the following illustration in its place, including the caption:

WEAR SNUG-FITTING
NOT FLAME RESISTANT

Example in 10 pt Arial font

Dated: September 1, 1999.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 99-23231 Filed 9-7-99; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 351

[Docket No. 9908128228-9228-01]

RIN 0625-AA56

Regulation Concerning Preliminary Critical Circumstances Findings

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce (the "Department") is amending 19 CFR 351.206(c), which concerns preliminary findings of critical circumstances in antidumping and countervailing duty investigations. The critical circumstances provisions of the antidumping and countervailing duty laws and regulations ensure that the statutory remedies are not undermined by massive imports of dumped or subsidized merchandise following the filing of a petition. Normally, if an antidumping or countervailing duty order is issued, duties are assessed only on imports that enter the United States after the Department makes a preliminary determination of dumping or subsidization. However, where critical circumstances exist, duties are assessed retroactively on imports that enter up to 90 days prior to the preliminary determination. The amended regulation will ensure that the injurious effects of dumped or subsidized imports are remedied to the fullest extent provided by the law.

DATES: This rule is effective August 8, 1999.

FOR FURTHER INFORMATION CONTACT: Kathleen Hatfield, Office of Policy, Import Administration, U.S. Department of Commerce, at (202) 482-1930, or Marguerite Trossevin, Office of the Chief Counsel for Import Administration, U.S. Department of Commerce, at (202) 482-5593.

SUPPLEMENTARY INFORMATION:

Background

The U.S. antidumping and countervailing duty laws, as well as the relevant agreements of the World Trade Organization (WTO), contain "critical

circumstances" provisions to ensure that the statutory remedies for unfair trade practices are not undermined by massive imports of dumped or subsidized merchandise following the filing of a petition. Normally, if an antidumping or countervailing duty order is issued, duties are assessed only on imports that enter the United States after the Department makes its preliminary determination of dumping or subsidization, which normally takes place about four months after the filing of the petition. However, where critical circumstances exist, duties may be assessed retroactively on imports that enter up to 90 days prior to the preliminary determination.

Sections 703(e) (countervailing duties) and 733(e) (antidumping duties) of the Tariff Act of 1930, as amended (the Act), provide that, if a petitioner alleges critical circumstances, the Department of Commerce (the Department) "shall promptly (at any time after the initiation of the investigation under this subtitle)" determine whether there is reasonable cause to believe or suspect that critical circumstances exist. Recent experience highlights the importance of making preliminary critical circumstances findings as early as possible to ensure that import surges do not undermine the statutory remedies. Therefore, on October 15, 1998, the Department published Policy Bulletin 98/4, stating that the Department will issue preliminary findings on critical circumstances as soon as possible after initiation. The Department is codifying that policy to ensure that the injurious effects of dumped or subsidized imports are remedied to the fullest extent provided by the law.

Explanation of the Regulation

The antidumping and countervailing duty laws state that critical circumstances exist where there are massive imports over a relatively short period and, as appropriate, either (1) there is a history of dumping and material injury, or the importer knew or should have known that the merchandise was dumped and injury was likely as a result, or (2) there is a countervailable subsidy inconsistent with the WTO Subsidies Agreement. Pursuant to 19 CFR 351.206(i), for the purpose of determining the existence of an import surge, the Department normally will consider a "relatively short period" as the period beginning on the date the petition is filed and extending for at least the following three months. Imports during the post-petition period are compared to a period of comparable duration immediately

preceding the petition. If imports increased by at least 15 percent in the post-petition period, the Department deems such a surge to constitute "massive imports over a relatively short period."

Because necessary shipment data is often not immediately available when the normal comparison periods are used, it is virtually impossible to make a preliminary critical circumstances finding before Commerce's preliminary determination on the existence of dumping or subsidies. However, 19 CFR 351.206(i) further provides that, if the Department finds that, at some time prior to the filing of a petition, importers, exporters or producers had reason to believe that a proceeding was likely, the Department may consider a period of at least three months from that earlier time. In cases where earlier base periods are deemed appropriate, an earlier preliminary finding on critical circumstances may be possible because the necessary data may be available. However, because the International Trade Commission's (ITC) preliminary determination of injury may be important to the critical circumstances analysis, normally the earliest point at which a preliminary critical circumstances finding would be made is after the ITC preliminary determination, which is normally 45 days after the filing of the petition.

Accordingly, the Department is amending 19 CFR 351.206(c)(2) to provide that, where earlier base periods are used, the Department will issue preliminary critical circumstances findings as soon as possible after initiation of an investigation, but normally not less than 45 days after the filing of the petition.

Classification

Administrative Procedure Act

Pursuant to authority at 5 U.S.C. 553(b)(A), this rule of agency procedure is not subject to the requirement to provide prior notice and an opportunity for public comment. Further, because this rule of agency procedure is not substantive, it is not subject to the requirement in 5 U.S.C. 553(d) that its effective date be delayed 30 days.

E.O. 12866

This rule has been determined to be significant for purposes of Executive Order 12866.

Paperwork Reduction Act

This rule contains no new collection of information subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.