

10155, 10161). Section 70.7 also issued under Public Law 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Public Law 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

8. In 10 CFR 70.38, paragraph (a) is revised to read as follows:

§ 70.38 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

(a)(1) Except as provided in paragraph (a)(2) of this section, each specific license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal under § 70.33 not less than 30 days before the expiration date stated in the existing license (or, for those licenses subject to paragraph (a)(2) of this section, 30 days before the deemed expiration date in that paragraph). If an application for renewal has been filed at least 30 days before the expiration date stated in the existing license (or, for those licenses subject to paragraph (a)(2) of this section, 30 days before the deemed expiration date in that paragraph), the existing license expires at the end of the day on which the Commission makes a final determination to deny the renewal application or, if the determination states an expiration date, the expiration date stated in the determination.

(2) Each specific license that has an expiration date after July 1, 1995, and is not one of the licenses described in paragraph (a)(3) of this section, shall be deemed to have an expiration date that is five years after the expiration date stated in the current license.

(3) The following specific licenses are not subject to, nor otherwise affected by, the provisions of paragraph (a)(2) of this section:

(i) Specific licenses for which, on February 15, 1996, an evaluation or an emergency plan is required in accordance with § 70.22(i);

(ii) Specific licenses whose holders are subject to the financial assurance requirements specified in 10 CFR 70.25, and on February 15, 1996, the holders either:

(A) Have not submitted a decommissioning funding plan or certification of financial assurance for decommissioning; or

(B) Have not received written notice that the decommissioning funding plan or certification of financial assurance for decommissioning is acceptable;

(iii) Specific licenses whose holders are listed in the SDMP List published in NUREG 1444, Supplement 1 (November 1995);

(iv) Specific licenses whose issuance, amendment or renewal, as of February 15, 1996, is not a categorical exclusion under 10 CFR 51.22(c)(14) and, therefore, need an environmental assessment or environmental impact statement pursuant to Subpart A of Part 51 of this chapter;

(v) Specific licenses whose holders have not had at least one NRC inspection of licensed activities before February 15, 1996;

(vi) Specific licenses whose holders, as the result of the most recent NRC inspection of licensed activities conducted before February 15, 1996, have been:

(A) Cited for a Severity Level I, II, or III violation in a Notice of Violation;

(B) Subject to an Order issued by the NRC; or

(C) Subject to a CAL issued by the NRC.

(vii) Specific licenses with expiration dates before July 1, 1995, for which the holders have submitted applications for renewal under 10 CFR 70.33 of this part.

(viii) Specific licenses issued pursuant to 10 CFR 70.31 that, as of February 15, 1996, are also subject to the requirements in § 70.24.

* * * * *

9. In 10 CFR 70.33, a new paragraph (b) is added to read as follows:

§ 70.33 Renewal of licenses.

* * * * *

(b) If any licensee granted the extension described in 10 CFR 70.38(a)(2) has a currently pending renewal application for that extended license, that application will be considered withdrawn by the licensee and any renewal fees paid by the licensee for that application will be refunded.

Dated at Rockville, Maryland, this 20th day of December, 1995.

For the Nuclear Regulatory Commission.
James M. Taylor,

Executive Director for Operations.

[FR Doc. 96-346 Filed 1-11-96; 2:00 pm]

BILLING CODE 7590-01-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1615

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

AGENCY: Consumer Product Safety Commission.

ACTION: Revocation of rules.

SUMMARY: The Commission revokes rules prescribing requirements for labeling, advertising, and retail display of children's sleepwear in sizes 0 through 6X manufactured between July 29, 1972, and July 29, 1973. The Commission is revoking these rules because no children's sleepwear offered for sale now or in the future is or will be subject to the rules' requirements.

EFFECTIVE DATE: January 16, 1996.

FOR FURTHER INFORMATION CONTACT: Allen F. Brauninger, Attorney, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0980, extension 2216.

SUPPLEMENTARY INFORMATION:

A. Background

1. The Flammability Standard

In 1971, the Department of Commerce (DOC) issued the Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X under the authority of the Flammable Fabrics Act (FFA) (15 U.S.C. 1193). In 1972, DOC amended that standard. See the Federal Register notices of July 29, 1971 (36 FR 14062), and July 21, 1972 (37 FR 14624). The standard is codified at 16 CFR Part 1615, Subpart A, and prescribes a flammability test for children's sleepwear garments and fabrics intended for use in those garments to protect children from unreasonable risks of burn deaths and injuries.

2. Labeling Requirements

The amended flammability standard became effective on July 29, 1972. However, the standard allowed the manufacture of noncomplying sleepwear for one year after the standard's effective date, provided that such garments were labeled with the following statement: "Flammable (Does Not Meet U.S. Department of Commerce Standard DOC FF 3-71). Should not be worn near sources of fire." 16 CFR 1615.5(b). All children's sleepwear in sizes 0 through 6X manufactured after July 29, 1973, must comply with the standard.

In 1972, Congress enacted the Consumer Product Safety Act (CPSA)

(15 U.S.C. 2051 *et seq.*), which established the Consumer Product Safety Commission. Section 30(b) of the CPSA (15 U.S.C. 2079(b)) transferred to the Commission the authority formerly exercised by DOC and other agencies under the FFA.

In 1974, the Commission issued regulations for the labeling and advertising of children's sleepwear in sizes 0 through 6X. 16 CFR Part 1615, Subpart B. See the Federal Register notice of February 7, 1974 (39 FR 4852). These regulations required noncomplying children's sleepwear manufactured between July 29, 1972, and July 29, 1973, to be labeled with the statement "Flammable (Does Not Meet U.S. Department of Commerce Standard DOC FF 3-71). Should not be worn near sources of fire." 16 CFR 1615.31(b)(3). This is the same statement required by section 1615.5(b) of the standard.

3. Advertising and Retail Display Requirements

The regulations issued in 1974 also required the labeling statement to be included in direct mail advertisements and catalogs for noncomplying children's sleepwear manufactured between July 29, 1972, and July 29, 1973. 16 CFR 1615.31(c).

In 1974, the Commission amended the regulations by issuing additional requirements for labeling and requirements for recordkeeping and retail display of sleepwear in sizes 0 through 6X. See the Federal Register notice of April 14, 1975 (40 FR 16654). The Commission required any person who sold noncomplying sleepwear at retail to segregate it from complying sleepwear and to identify noncomplying sleepwear in sizes 0 through 6X by a sign stating: "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (DOC 3-71)." 16 CFR 1615.31(d). Complying sleepwear in sizes 0 through 6X sold at the same location as noncomplying sleepwear was required to be identified by a sign stating "Flame Resistant. Complies With Standard for Flammability of Children's Sleepwear." *Id.*

B. Revocation

Noncomplying sleepwear in sizes 0 through 6X has not been legally manufactured since July 29, 1973. Noncomplying sleepwear subject to the labeling, advertising, and retail display requirements described above is not now offered for sale and will not be offered for sale in the future. For this reason, the Commission is revoking (i) the labeling requirements in section 1615.5(b) of the standard and in section 1615.31(b)(3) of the enforcement

regulations, (ii) the requirements for advertising of noncomplying sleepwear in section 1615.31(c) of the enforcement regulations, and (iii) the requirements for retail display of noncomplying and complying sleepwear in section 1615.31(d) of those regulations.

Generally, the Administrative Procedure Act (APA) (5 U.S.C. 553) requires agencies to publish a notice of proposed rulemaking and provide opportunity for public comment before issuing or revoking a regulation. However, the APA provides at 5 U.S.C. 553(b)(B) that the requirement for a notice of proposed rulemaking is not applicable when the agency finds for good cause that notice of proposed rulemaking and public participation are "impracticable, unnecessary, or contrary to the public interest."

The Commission finds for good cause that notice of proposed rulemaking and public participation are unnecessary because no sleepwear in sizes 0 through 6X offered for sale now or that will be offered for sale in the future is subject to the requirements of 16 CFR sections 1615.5(b), 1615.31(b)(3), 1615.31(c), or 1615.31(d). The rules being revoked have no effect on the rights or duties of any persons who manufacture, sell, or purchase sleepwear in sizes 0 through 6X. Providing notice of proposed rulemaking and opportunity for submission of written comments on the proposal would be a meaningless procedure in this case.

The APA also requires at 5 U.S.C. 553(d) that a substantive rule must be published at least 30 days before its effective date unless the agency finds for good cause that such delay is not needed. Again, because no sleepwear in sizes 0 through 6X offered for sale now or in the future is or will be subject to the rules being revoked, the Commission finds for good cause that a delayed effective date is unnecessary. Consequently, this revocation shall become effective immediately.

C. Conclusion

Under the authority of section 553 of the Administrative Procedure Act and sections 4 and 5 of the Flammable Fabrics Act, the Commission hereby amends title 16 of the Code of Federal Regulations, Chapter II, Subchapter D, Part 1615 as follows:

PART 1615—[AMENDED]

Subpart A—[Amended]

1. The authority for Part 1615, Subpart A, continues to read as follows:

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

§ 1615.5 [Removed and reserved]

2. Section 1615.5(b) is removed and reserved.

Subpart B—[Amended]

3. The authority for Part 1615, Subpart B, continues to read as follows:

Authority: Sec. 5, 67 Stat. 112, as amended, 81 Stat. 570; 15 U.S.C. 1194.

§ 1615.31 [Removed and reserved]

4. Sections 1615.31(b)(3), (c), and (d) are removed and reserved.

(5 U.S.C. 553; 15 U.S.C. 1193, 1194)

Dated: December 15, 1995.

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

[FR Doc. 96-422 Filed 1-11-96; 2:00 pm]

BILLING CODE 6355-01-P

16 CFR Part 1616

Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14

AGENCY: Consumer Product Safety Commission.

ACTION: Revocation of rules.

SUMMARY: The Commission revokes rules prescribing requirements for labeling and retail display of children's sleepwear in sizes 7 through 14 manufactured between May 1, 1975, and May 1, 1978. The Commission is revoking these rules because no items of children's sleepwear offered for sale now or in the future is or will be subject to the rules' requirements.

EFFECTIVE DATE: January 16, 1996.

FOR FURTHER INFORMATION CONTACT: Allen F. Brauning, Attorney, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0980, extension 2216.

SUPPLEMENTARY INFORMATION:

A. Background

1. Flammability Standard

In 1974, the Consumer Product Safety Commission issued the Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14 under the authority of the Flammable Fabrics Act (FFA) (15 U.S.C. 1193). See the Federal Register notice of May 1, 1974 (39 FR 15210). The standard is codified at 16 CFR Part 1616, Subpart A, and prescribes a flammability test for children's sleepwear garments and fabrics intended for use in those garments to protect children from unreasonable risks of burn deaths and injuries.