

Rules and Regulations

Federal Register

Vol. 73, No. 58

Tuesday, March 25, 2008

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DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 103, 204, 213a, 299, and 322

[CIS No. 2098-00; DHS Docket No. USCIS-2007-0008]

RIN 1615-AA43

Classification of Aliens as Children of United States Citizens Based on Intercountry Adoptions Under the Hague Convention; Re-Opening and Extension of the Comment Period

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Interim rule; re-opening and extension of the comment period.

SUMMARY: On October 4, 2007, The Department of Homeland Security (DHS) published an interim rule in the *Federal Register* at 72 FR 56832, establishing rules necessary for the ratification and implementation of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, signed at The Hague on May 29, 1993 ("Convention"). The comment period ended December 3, 2007. Of the 54 comments received by DHS, most requested an extension of the comment period to allow sufficient time to provide meaningful and substantive comments. DHS is re-opening and extending the comment period for 60 days until May 27, 2008.

DATES: Written comments must be submitted on or before May 27, 2008. Comments received beyond this date will not be considered.

ADDRESSES: You may submit comments to DHS, identified by DHS Docket No. USCIS-2007-0008, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Mail: Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529. To ensure proper handling, please reference DHS Docket No. USCIS-2007-0008 on your correspondence. This mailing address may also be used for paper, disk, or CD-ROM submissions.

- Hand Delivery/Courier: Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529. Contact Telephone Number (202) 272-8377.

FOR FURTHER INFORMATION CONTACT:

Michael Valverde, Chief, Children's Issues, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Suite 3300, Washington, DC 20529, telephone (202) 272-9176.

SUPPLEMENTARY INFORMATION:

Interim Rule

On October 4, 2007, the DHS published in the *Federal Register* at 72 FR 56832 an interim rule entitled "Classification of Aliens as Children of United States Citizens Based on Intercountry Adoptions Under the Hague Convention." The interim rule established the Department of Homeland Security rules necessary for the ratification and implementation of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, signed at The Hague on May 29, 1993 ("Convention"). The interim rule entered into force on November 5, 2007, although actual implementation of the interim rule will not occur until the Convention enters into force for the United States. The comment period for the interim rule ended December 3, 2007.

Implementation

On November 16, 2007, the President signed the instrument of ratification for the Convention. The Department of State deposited the instrument of ratification with the Ministry of Foreign Affairs of the Kingdom of the Netherlands on December 12, 2007. On December 18, 2007, the Department of State published in the *Federal Register* at 72 FR 71730 a written notice that the Convention will enter into force for the

United States on April 1, 2008.

Accordingly, the DHS interim rule published on October 4, 2007, will also enter into force April 1, 2008. 8 CFR 204.300(a).

Comments

As of December 3, 2007, 54 comments had been received on the interim rule. Most of the comments did not address any issue raised by the interim rule. Rather, these comments requested an extension of the comment period. These commenters contend that the 60-day comment period did not provide sufficient time for them to submit substantive comments. Many of these commenters requested additional time to comment.

As a legal matter, the 60-day comment period provided for by the interim rule is sufficient. The Administrative Procedure Act, 5 U.S.C. 553, generally contemplates a 30-day comment period. Section 6(a)(1) of Executive Order 12866, Regulatory Planning and Review, as amended by Executive Order 13422, 72 FR 2763, references a 60-day benchmark for establishing an appropriate comment period. Nevertheless, DHS has determined as a matter of policy that the importance of the implementation of the Convention makes it reasonable for DHS to agree to the request for an additional comment period. DHS has also determined that it is possible to re-open the comment period without delaying implementation of the interim rule. Accordingly, DHS has decided to re-open and extend the comment period.

All comments received by May 27, 2008 will be considered by DHS in preparing the final rule. Note that this extension of the comment period does not delay the implementation of the interim rule. The interim rule itself entered into force on November 5, 2007. Implementation will still begin on April 1, 2008, when the Convention enters into force for the United States. 8 CFR 204.300(a). Prospective adoptive parents seeking to adopt children habitually resident in a Convention country may begin a Convention adoption case by filing Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country, on April 1, 2008.

View the Interim Rule

To view the interim rule published on October 4, 2007, see the url listed

below: <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-18992.htm>.

Dated: March 18, 2008.

Emilio T. Gonzalez,

Director, U.S. Citizenship and Immigration Services.

[FR Doc. 08-1069 Filed 3-21-08; 8:45 am]

BILLING CODE 4410-10-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1610

Standard for the Flammability of Clothing Textiles

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its flammability standard for general wearing apparel, the Standard for the Flammability of Clothing Textiles, 16 CFR part 1610. The Standard, originally issued in 1953, has become outdated in several respects. The revisions better reflect current consumer practices and technologies and clarify several aspects of the Standard.

DATES: The rule is effective September 22, 2008. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of September 22, 2008.

FOR FURTHER INFORMATION CONTACT: Mary Toro, Directorate for Compliance and Field Operations, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408; telephone (301) 504-7586; e-mail mtoro@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. Background

1. History of the Standard

The Standard for the Flammability of Clothing Textiles, 16 CFR part 1610 (“the Standard”) dates back to the 1950s. Congress enacted the Flammable Fabrics Act (“FFA”) in 1953 (Pub. L. 83-88, 67 Stat. 111). It specified a test, a voluntary commercial standard then called “Flammability of Clothing Textiles, Commercial Standard (“CS”) 191-53,” to be used to determine if fabric or clothing is “so highly flammable as to be dangerous when worn by individuals.”

When Congress established the Consumer Product Safety Commission in 1972, it transferred to the Commission the authority the Secretary of Commerce had to issue and amend

flammability standards under the FFA. 15 U.S.C. 2079(b). In 1975, the Commission published the FFA of 1953 at 16 CFR 1609 and codified the Standard for the Flammability of Clothing Textiles at 16 CFR 1610.

2. The Standard

The Commission’s revisions to the Standard will update and clarify it. The Standard describes a test apparatus and the procedures for testing clothing and textiles intended to be used for clothing. It establishes three classes of flammability. The classes are based on measurement of burn time, along with visual observations of flame intensity. The classes are: Class 1 or normal flammability; Class 2 or intermediate flammability; and Class 3 or rapid and intense burning. Clothing and textiles that are categorized as Class 3 under the prescribed test method are considered dangerously flammable. 16 CFR 1610.4.

The Standard prescribes the method of testing to determine the appropriate classification. Five specimens are subjected to a flammability tester. This is a draft-proof ventilated chamber containing an ignition medium, a sample rack and an automatic timing device. A swatch of each sample must be subjected to the dry cleaning and hand washing procedure prescribed by the Standard. To determine results, the average time of flame spread is taken for five specimens. However, if the time of flame spread is less than 4 seconds (3½ seconds for plain-surfaced fabrics), five additional specimens must be tested and the average time of flame spread for these ten specimens, or for as many of them as burn, must be taken. Classification is based on the reported results before and after dry cleaning and washing, whichever is lower.

3. The Products

The products regulated under the Standard are clothing and fabrics intended to be used for clothing. The Standard applies to all items of clothing, and fabrics used for such clothing, whether for adults or children, for daywear or nightwear. The Commission has other regulations governing the flammability of children’s sleepwear, 16 CFR parts 1615 and 1616, that are more stringent than the general wearing apparel flammability standard. The revisions discussed in this notice would not affect the children’s sleepwear standards.

4. The Risk of Injury

Fatalities where clothing was the first item ignited have declined from 311 fatalities in 1980 to 129 fatalities in 2004, the most recent year of available

data. An average of 120 clothing fire-related fatalities occurred annually during 2002–2004. Population fatality rates increased with age. In addition, an estimated 3,947 non-fatal injuries were treated in hospital emergency departments annually (2003–2005). Among these non-fatal injuries, 25 percent were serious enough to require admission to a hospital (compared to 5 percent for all consumer products).

B. Statutory Provisions

Section 4 of the FFA sets forth the process by which the Commission can issue or amend a flammability standard. In accordance with that section, the Commission issued an advance notice of proposed rulemaking (“ANPR”) on September 12, 2002, 67 FR 57770. The Commission issued a notice of proposed rulemaking (“NPR”) on February 27, 2007 containing the text of the proposed rule along with alternatives the Commission has considered and a preliminary regulatory analysis. 72 FR 8844. Before issuing a final rule, the FFA requires the Commission to prepare a final regulatory analysis, and make certain findings concerning any relevant voluntary standard, the relationship between costs and benefits of the rule, and the burden imposed by the regulation. 15 U.S.C. 1193(j). In addition, the Commission must find that the Standard (1) is needed to adequately protect the public against the risk of the occurrence of fire leading to death, injury or significant property damage, (2) is reasonable, technologically practicable, and appropriate, (3) is limited to fabrics, related materials or products which present unreasonable risks, and (4) is stated in objective terms. *Id.* U.S.C. 1193(b).

C. Revisions

The changes to the Standard reflect changes in consumer garment care practices and will make the Standard easier to understand. These changes are discussed below.

Definitions. Some definitions have been revised and some new ones added to eliminate confusion. In particular, the meaning of the terms “base burn” and “surface flash” have caused confusion in interpreting and reporting test results for raised surface textile fabrics. These terms are now defined in the Standard. In addition, several other relevant terms and definitions have been added. These terms include *burn time*, *dry cleaning*, *flammability*, *flame application time*, *ignition*, *interlining*, *laundering*, *long dimension*, *plain surface textile fabric*, *raised surface textile fabric*, *refurbishing*, *sample*, *specimen*, and *stop thread supply*.