

prescribed in Method 124–1996 of the American Association of Textile Chemists and Colorists or such number of times under such other washing and drying procedure as shall previously have been found to be equivalent by the Consumer Product Safety Commission.

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\* \* \* \* \*

5. Section 1631.62 is amended by revising the first sentences in paragraphs (a) and (d)(3) to read as follows:

**§ 1631.62 Wool flokati carpets and rugs—alternative washing procedure.**

(a) The Standard for the Surface Flammability of Carpets and Rugs (FF 1–70) at § 1630.4(b)(1)(ii) provides that if a carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the sample or oversized specimens thereof selected for testing under the standard shall be washed prior to the cutting of test specimens either 10 times under the washing and drying procedure prescribed in Method 124–1996 of the American Association of Textile Chemists and Colorists or such number of times under such other washing and drying procedure as shall previously have been found to be equivalent by the Consumer Product Safety Commission.

\* \* \*

\* \* \* \* \*

(d) \* \* \*

(3) Place individual specimen face down in a shallow pan which has been filled to a depth of 2" with a wash solution of 1.1 grams of AATCC (American Association of Textile Chemists and Colorists) Standard Detergent as specified in AATCC Method 124–1996 (or equivalent) per liter of water preheated to 105 °F. \* \* \*

\* \* \* \* \*

Dated: March 8, 1999.

**Sadye E. Dunn,**

Secretary, Consumer Product Safety Commission.

**List of Relevant Documents**

1. American Association of Textile Chemists and Colorists, "Appearance of Durable Press Fabrics After Repeated Home Launderings," AATCC Test Method 124–1969. AATCC Technical Manual, Vol. 46, 1970.
2. American Association of Textile Chemists and Colorists, "Appearance of Fabrics After Repeated Home Laundering," AATCC Test Method 124–1996. AATCC Technical Manual, Vol. 73, 1997.
3. Briefing memorandum from Margaret Neily, Project Manager, Directorate for Engineering Sciences, to the Commission, "Proposed Amendments to Flammable Fabrics Act Standards to Replace Obsolete Standard Detergent and Update Laundering

Procedures Required for Tests," \_\_\_\_\_, 1998.

4. Memorandum from Gail Stafford, Directorate for Laboratory Sciences, to Margaret Neily, Project Manager, "Amending the Laundering Provisions of the CPSC Flammability Regulations," August 18, 1998.

5. Memorandum from Gail Stafford, Directorate for Laboratory Sciences, to Margaret Neily, Project Manager, "Textile Laundering Standards," August 18, 1998.

6. Memorandum from Gail Stafford and Shing-Bong Chen, Directorate for Laboratory Sciences, to Margaret Neily, Project Manager, "Detergent Comparison Tests," August 19, 1998.

7. Log of Meeting on January 21, 1998 concerning Flammability Test of Pyrovatex-treated Flame Resistant Fabrics.

8. Memorandum from Terrance R. Karels, Directorate for Economic Analysis, to Margaret Neily, Project Manager, "Amendments to FFA Standards," August 10, 1998.

9. Memorandum from Margaret Neily, Project Manager, Directorate for Engineering Sciences, to the Commission, "Briefing Package Supplement: Laundering/Detergent Update for Flammable Fabrics Act Standards—The Soap and Detergent Association (SDA) Laundering Procedures," January 11, 1999.

10. Memorandum from Gail Stafford, Directorate for Laboratory Sciences, to Margaret Neily, Project Manager, "Soap and Detergent Association Proposed Laundering Procedure," December 23, 1998.

11. Letter from Jenan Al-Atrash, Director, Human Health & Safety, The Soap and Detergent Association, to Margaret Neily, Technical Program Coordinator, Office of the Executive Director, including SDA Recommended Wash Conditions for CFR 1615.4, September 15, 1998.

12. Letter from Jenan Al-Atrash, Director, Human Health & Safety, The Soap and Detergent Association, to Margaret Neily, Technical Program Coordinator, Office of the Executive Director, follow-up comments to September 15, 1998, letter, November 12, 1998.

13. Memorandum from Margaret L. Neily, Project Manager, Directorate for Engineering Sciences, to the Commission, "Laundering/Detergent Updates—FR notice supplements," February 19, 1999.

[FR Doc. 99–6074 Filed 3–16–99; 8:45 am]

BILLING CODE 6355–01–P

**CONSUMER PRODUCT SAFETY COMMISSION**

**16 CFR Part 1632**

**Standard for the Flammability of Mattresses and Mattress Pads**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Proposed amendments.

**SUMMARY:** The Commission proposes to amend the flammability standard for mattresses and mattress pads by revising

the laundering procedure specified in that standard for mattress pads which contain a chemical fire retardant. These laundering procedures help assure that any chemical flame retardant is not removed or degraded by repeated washing and drying, thereby creating a flammability hazard. The Commission is proposing these amendments because the detergent specified by the existing laundering procedure is no longer available and the operating characteristics of the washing and drying machines required by that procedure are no longer representative of machines now used for home laundering.

**DATES:** Written comments concerning the proposed amendments must be received by the Office of the Secretary not later than June 1, 1999.

**ADDRESSES:** Written comments should be captioned "Mattress Pads, Laundering Procedures" and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland. Comments may also be filed by telefacsimile to (301) 504–0127 or by email to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**FOR FURTHER INFORMATION CONTACT:** Margaret Neily, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0508, extension 1293.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Flammable Fabrics Act ("FFA") (15 U.S.C. 1191 *et seq.*) authorizes issuance and amendment of flammability standards and regulations to protect the public from unreasonable risks of death, injury, and property damage from fire associated with products of interior furnishing made from fabric and related materials.

In 1972, the Secretary of Commerce issued a flammability standard for mattresses and mattress pads to protect the public from death and serious burn injuries associated with ignition of mattresses and mattress pads by smoldering cigarettes. That standard became effective in 1973, and is codified at 16 CFR Part 1632.

The standard prescribes a test for mattresses and mattress pads which requires placement of lighted cigarettes at specified locations on the surface of the mattress or mattress pad. An individual mattress or mattress pad prototype passes the test in the standard if no cigarette test location produces a

char length more than two inches in any direction.

In 1973, authority to issue flammability standards under the FFA was transferred from the Department of Commerce to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)).

On June 8, 1973, the Commission amended the standard by adding requirements for premarket testing of mattresses and mattress pads by manufacturers. As amended in 1973, the standard required manufacturers to perform prototype testing on each combination of materials and construction methods used in the production of mattresses or mattress pads. After successful completion of prototype testing, the standard required manufacturers to obtain samples at specified intervals during production and test those samples for compliance with the standard. See 38 FR 15095 (June 8, 1973).

In 1984, the Commission amended the standard to eliminate the requirements for production sampling and testing. The amended standard requires that manufacturers perform prototype testing with acceptable results before introducing products subject to the standard into commerce, but does not require manufacturers to perform production sampling and testing. See 49 FR 39780 (October 10, 1984).

**B. Amending the Flammability Standard**

As discussed below, laundering procedures are prescribed by the standard to help assure that any fire-retardant chemicals used in the production of mattress pads will not be removed or degraded by repeated washing and drying and create a

flammability hazard. However, the current procedures are out of date in several respects and the Commission therefore proposes to change them.

*1. Current Procedures*

The mattress flammability standard describes the apparatus and procedure used to test mattress pads for compliance with the standard. See 16 CFR 1632.4 and 1632.5(a). The standard addresses the possibility that a fire-retardant chemical used in the production of mattress pads might be progressively reduced or degraded by washing and drying. Sections 1632.5(a) and (b) of the standard require that any mattress pad manufactured with a fire retardant chemical shall be tested in the condition in which it is intended to be sold, and after it has been washed and dried ten times in accordance with a specified laundering procedure. That laundering procedure is AATCC Test Method 124-82, published by the American Association of Textile Chemists and Colorists ("AATCC").<sup>1</sup> The mattress standard incorporates that laundering procedure by reference. See 16 CFR 1632.5(b)(2)(iv).

AATCC Test Method 124-82 specifies operating characteristics of the washing machine and dryer to be used, wash water and rinse water temperatures, exhaust temperature of the dryer, and a particular detergent, AATCC Standard Detergent 124. AATCC Test Method 124-82 was originally developed in 1967 and subsequently revised. These specifications are representative of the equipment, wash, rinse, and drying temperatures, and the detergent used for home laundering in the 1960s. For example, AATCC Standard Detergent 124 is a high-phosphate powder with optical brightener, similar to the

phosphate-based detergents sold to consumers between 1950 and 1970.<sup>(3)</sup>

Since 1970, environmental concerns about water pollution have resulted in the elimination of phosphate-based detergents for home laundering. Today, all laundry detergents sold to consumers are nonphosphate-based. Additionally, energy-efficient washing machines and dryers currently sold for consumer use have operating characteristics and temperature settings which differ from those specified by AATCC Test Method 124-82.<sup>(3)</sup>

*2. Revised Laundering Test Method*

In 1996, AATCC revised AATCC Test Method 124, "Appearance of Fabrics After Repeated Home Laundering".<sup>(2)</sup> The 1996 AATCC test method more closely resembles the equipment and practices currently used for household laundering of fabrics. The revised test method differs from AATCC Test Method 124-82 by specifying the use of 1993 AATCC detergent, a nonphosphate-based detergent. The 1996 test method also specifies use of a washing machine with different operating characteristics than those specified by AATCC Test Method 124-82, and rinse water temperatures which differ from those in the older test method. <sup>(3)</sup> Table 1, below, provides a summary comparison of the two test methods.

In 1996, AATCC also announced that when that organization's supply of Standard Detergent 124 is depleted, that detergent will no longer be available. AATCC is the only source for Standard Detergent 124. Additionally, washing machines now offered for sale do not have the settings and operating characteristics of the washing machine specified by AATCC Test Method 124-82.<sup>(3)</sup>

TABLE 1.—AATCC TEST METHOD 124

Wash/Dry conditions	Version 1982	Version 1996	
Washing Machine:			
Cycle .....	Normal .....	Normal/Cotton Sturdy.	
Wash Water Temp .....	60 ± 3°C .....	60 ± 3°C.	
Rinse Water Temp .....	41 ± 3°C .....	Less Than 29°C.	
Water Level .....	Full .....	18 ± 1 gal.	
Agitator Speed .....	70 ± 5 spm .....	179 ± 2 spm.	
Wash Time .....	12 minutes .....	12 minutes.	
Spin Speed .....	500-510 rpm .....	630-660 rpm.	
Final Spin Cycle .....	4 minutes .....	6 minutes	
Dryer:			
Cycle .....	Normal .....	Cotton Sturdy	Durable Press.
Exhaust Temp .....	140-160°F .....	140-160°F ...	140-160°F.

<sup>1</sup> Numbers in parentheses identify reference documents in the List of Relevant Documents at the end of this notice. Requests for inspection of any

of these documents should be made at the Office of the Secretary, 4330 East-West Highway, room

502, Bethesda, Md., or by calling that office at (301) 504-0800.

Cool Down Cycle .....	5 minutes .....	5 minutes .....	10 minutes.
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spm = strokes (or cycles) per minute.  
rpm = revolutions per minute.

### 3. Review of Other Existing Standards

In addition to reviewing AATCC Test Method 124–1996, the Commission staff reviewed and analyzed twelve other international and technical association standards or test methods to determine if any were appropriate for consideration in this proceeding. Standards and test methods from AATCC, ASTM, the International Standards Organization, the United Kingdom, Australia, Canada, China and the Soap and Detergent Association were identified. All of these methods could be used for sleepwear fabrics and mattress pads.

All of the identified standards for fabric laundering have significant deficiencies. They are either based on earlier versions of AATCC Test Method 124 (with obsolete detergent and equipment), require equipment not available in the U.S., use only water in the laundering procedure, or specify significantly lower wash and rinse water temperatures than those still available for consumers.

### 4. Comparability of Test Results

The Commission intended to perform some testing of mattress pads manufactured with chemical fire retardants after washing and drying 10 times in accordance with AATCC Test Method 124–82 and after washing and drying 10 times using AATCC Test Method 124–1996 to compare the two test methods. However, the staff has been unable to locate any flame retardant-treated mattress pads for this comparison. The mattress pads located by the staff are made of fabric and filling materials that do not need to be treated to pass the flammability test of the mattress standard. However, since there is a demand for natural fibers such as cotton (which may need to be FR treated to pass the flammability standard) in other products, the Commission believes it is appropriate to propose revising the laundering method so that it is consistent with actual consumer and industry laundering practices should cotton mattress pads return to the market in the future.

### 5. Proposed Amendment

The Commission proposes to revise the laundering procedures specified in 16 CFR 1632.5(b) to those of AATCC Test Method 124–1996.

The mattress flammability standard was issued and amended under section 4 of the FFA (15 U.S.C. 1193), which

authorizes the issuance or amendment of flammability standards to protect the public against unreasonable risks of fire leading to death, personal injury, or significant property damage. As required by section 4(b) of the FFA, the standard is based on findings that it is needed to adequately protect the public against the unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage. That section further requires findings that a flammability standard issued under the FFA is “reasonable, technologically practicable, and appropriate.”

The proposed change to the standard is needed to make the specified laundering procedures represent those currently used by consumers. The proposed amendments are also needed to assure that the standard will continue to be “technologically practicable” for both the Commission’s laboratory and those manufacturers of mattress pads required to use the laundering procedures before prototype testing.

Section 4(g) of the FFA (15 U.S.C. 1193(g)) 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”), and sets forth requirements for the contents of the ANPR. However, these proposed amendments are necessary because technical advances and the passage of time have rendered the existing test method obsolete. The amendments preserve the original intent and effect of the existing test method, modifying that method only as necessary to reflect the existence of modern equipment and detergent. Moreover, the existing regulations permit the Commission to employ a laundering test method different from AATCC Test Method 124 if it concludes that the test method is substantively as protective. Because the existing regulations allow the Commission to achieve without any amendment the substance of what it now proposes to achieve by amendment, and because the proposed amendments preserve the regulatory status quo, save for the reflection of modern equipment and detergent, the Commission has determined that it is not legally required to commence this proceeding with an ANPR, nor is it necessary for the Commission to make the findings that FFA sections 1193(g) and (h) would otherwise require.

The amendments proposed below would require a mattress pad containing a fire retardant chemical to be tested in the condition in which it is intended to be sold and after washing and drying 10 times using the procedure specified in AATCC Test Method 124–1996. The proposed amendments would incorporate that test method into the mattress standard by reference.

The mattress flammability standard and enforcement rules exempt any “one-of-a-kind” mattress or mattress pad manufactured to a physician’s written prescription from all requirements of the standard. See sections 1632.2(b)(4) and 1632.31(f). Those sections are not affected by the amendments proposed below.

Additionally, existing section 1632.5(b)(1)(i) exempts from the laundering requirements of the standard any mattress pad intended for “one time use” and any mattress pad which is not intended to be laundered. Existing section 1632.5(b)(1)(ii) states that mattress pads that cannot be laundered and are labeled “dryclean only” shall be drycleaned by a procedure which has been found to be acceptable by the Commission before testing. Existing section 1632.5(b)(2)(v) allows manufacturers of mattress pads manufactured with a chemical fire retardant to test specimens after laundering “a different number of wash and dry cycles using another procedure . . . if that procedure has previously been found to be equivalent by the Consumer Product Safety Commission.” These sections are not affected by the amendments proposed below.

### 6. Effective Date

Section 4(b) of the FFA (15 U.S.C. 1193(b)) provides that an amendment of a flammability standard shall become effective one year from the date it is promulgated, unless the Commission finds for good cause that an earlier or later effective date is in the public interest, and publishes that finding. Section 4(b) also requires that an amendment of a flammability standard shall exempt products “in inventory or with the trade” on the date the amendment becomes effective, unless the Commission limits or withdraws that exemption because those products are so highly flammable that they are dangerous for use by consumers.

One reason for proposing these amendments of the mattress flammability standard is that the

standard detergent specified by the existing laundering method in the standard is no longer available. The Commission has reason to believe that an effective date 30 days after publication of final amendments will be in the public interest. The Commission does not propose to withdraw or limit the exemption for products in inventory or with the trade as provided by section 4(b) of the FFA.

The Commission believes that an effective date of thirty days would give adequate notice to all interested persons of the change in laundering procedure, and at the same time would assure that the Commission will be able to test for compliance with the standards without interruption. Those manufacturers who perform prototype testing in accordance with the laundering procedure specified in the standard will also benefit from a relatively short effective date.

The Commission invites comments on the proposed effective date and factual information relating to that issue.

### C. Other Issues

#### 1. Impact on Small Businesses

In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission hereby certifies that the amendments to the mattress flammability standard proposed below will not have a significant economic impact on a substantial number of small entities, including small businesses, if issued on a final basis. The requirements for washing and drying mattress pads manufactured with a fire retardant chemical were included in the standards to assure that any flame retardant treatment used in mattress pads would not be removed or degraded by repeated laundering.

At this time, all mattress pads subject to the standard are made without flame retardant treatments. Accordingly, most manufacturers of mattress pads are not required to launder mattress pads before testing, and the Commission does not expect that the proposed amendments will have a significant effect on any businesses, large or small.

#### 2. Environmental Considerations

The amendments proposed below fall within the categories of Commission actions described at 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. The amendments are not expected to have a significant effect on production processes or on the types or amounts of materials used for construction or packaging of mattress pads. The amendments will not render existing inventories unsalable, or require

destruction of existing goods. The Commission has no information indicating any special circumstances in which these amendments may affect the human environment. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

#### 3. Executive Orders

Executive Order 12988 (February 5, 1996), requires agencies to state in clear language the preemptive effect, if any, to be given to a new regulation. The amendments proposed below, if issued on a final basis, would modify a flammability standard issued under the FFA. With certain exceptions which are not applicable here, no state or political subdivision of a state may enact or continue in effect "a flammability standard or other regulation" applicable to the same fabric or product covered by an FFA standard if the state or local flammability standard or regulation is "designed to protect against the same risk of the occurrence of fire" unless the state or local standard or regulation is "identical" to the FFA standard. See section 16 of the FFA (15 U.S.C. 1203). Consequently, if issued on a final basis, the amendments proposed below will preempt nonidentical state or local flammability standards or regulations that are intended to address the unreasonable risk of fire from ignition of mattress pads.

In accordance with Executive Order 12612 (October 26, 1987), the Commission certifies that the proposed amendments do not have sufficient implications for federalism to warrant a Federalism Assessment.

#### List of Subjects in 16 CFR Part 1632

Consumer protection, Flammable materials, Labeling, Mattresses and mattress pads, Records, Textiles, Warranties.

#### Conclusion

Therefore, pursuant to the authority of section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)) and sections 4 and 5 of the Flammable Fabrics Act (15 U.S.C. 1193, 1194), the Commission hereby proposes to amend title 16 of the Code of Federal Regulations, Chapter II, Subchapter D, Part 1632 to read as follows:

#### PART 1632—STANDARD FOR THE FLAMMABILITY OF MATTRESSES AND MATTRESS PADS

1. The authority for part 1632 continues to read as follows:

**Authority:** 15 U.S.C. 1193, 1194; 15 U.S.C. 2079(b).

2. Section 1632.5 is amended by revising paragraphs (b)(2)(i) through (iv) and by removing the undesignated paragraph following (b)(2)(iv) to read as follows:

#### § 1615.5 Mattress pad test procedure.

\* \* \* \* \*

(b) \* \* \*

(2) *Laundering procedure.* (i) Washing shall be performed in accordance with sections 8.2.2 and 8.2.3 of AATCC Test Method 124–1996, using wash temperature V ( $60^{\circ} \pm 3^{\circ}\text{C}$ ,  $140^{\circ} \pm 5^{\circ}\text{F}$ ) specified in Table II of that method, and the water level, agitator speed, washing time, spin speed and final spin cycle specified for "Normal/Cotton Sturdy" in Table III.

(ii) Drying shall be performed in accordance with section 8.3.1(A) of AATCC Test Method 124–1996 "Appearance of Fabrics After Repeated Home Laundering," Tumble Dry, using the exhaust temperature ( $66^{\circ} \pm 5^{\circ}\text{C}$ ,  $150^{\circ} \pm 10^{\circ}\text{F}$ ) and cool down time of 10 minutes specified in the "Durable Press" conditions of Table IV.

(iii) Maximum washer load shall be 3.64 Kg (8 pounds) and may consist of any combination of test samples and dummy pieces.

(iv) AATCC Test Method 124–1996 "Appearance of Fabrics After Repeated Home Laundering," is found in Technical Manual of the American Association of Textile Chemists and Colorists, vol. 73, 1997, which is incorporated by reference. Copies of this document are available from the American Association of Textile Chemists and Colorists, P.O. Box 12215, Research Triangle Park, North Carolina 27709. This document is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

\* \* \* \* \*

Dated: March 8, 1999.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

#### List of Relevant Documents

1. American Association of Textile Chemists and Colorists, "Appearance of Durable Press Fabrics After Repeated Home Launderings," AATCC Test Method 124–1969. AATCC Technical Manual, Vol. 46, 1970.

2. American Association of Textile Chemists and Colorists, "Appearance of Fabrics After Repeated Home Laundering," AATCC Test Method 124-1996. AATCC Technical Manual, Vol. 73, 1997.

3. Briefing memorandum from Margaret Neily, Project Manager, Directorate for Engineering Sciences, to the Commission, "Proposed Amendments to Flammable Fabrics Act Standards to Replace Obsolete Standard Detergent and Update Laundering Procedures Required for Tests," ———, 1998.

4. Memorandum from Gail Stafford, Directorate for Laboratory Sciences, to Margaret Neily, Project Manager, "Amending the Laundering Provisions of the CPSC Flammability Regulations," August 18, 1998.

5. Memorandum from Gail Stafford, Directorate for Laboratory Sciences, to Margaret Neily, Project Manager, "Textile Laundering Standards," August 18, 1998.

6. Memorandum from Gail Stafford and Shing-Bong Chen, Directorate for Laboratory Sciences, to Margaret Neily, Project Manager, "Detergent Comparison Tests," August 19, 1998.

7. Log of Meeting on January 21, 1998 concerning Flammability Test of Pyrovatex-treated Flame Resistant Fabrics.

8. Memorandum from Terrance R. Karels, Directorate for Economic Analysis, to Margaret Neily, Project Manager, "Amendments to FFA Standards," August 10, 1998.

9. Memorandum from Margaret Neily, Project Manager, Directorate for Engineering Sciences, to the Commission, "Briefing Package Supplement: Laundering/Detergent Update for Flammable Fabrics Act Standards—The Soap and Detergent Association (SDA) Laundering Procedures," January 11, 1999.

10. Memorandum from Gail Stafford, Directorate for Laboratory Sciences, to Margaret Neily, Project Manager, "Soap and Detergent Association Proposed Laundering Procedure," December 23, 1998.

11. Letter from Jenan Al-Atrash, Director, Human Health & Safety, The Soap and Detergent Association, to Margaret Neily, Technical Program Coordinator, Office of the Executive Director, including SDA Recommended Wash Conditions for CFR 1615.4, September 15, 1998.

12. Letter from Jenan Al-Atrash, Director, Human Health & Safety, The Soap and Detergent Association, to Margaret Neily, Technical Program Coordinator, Office of the Executive Director, follow-up comments to September 15, 1998, letter, November 12, 1998.

13. Memorandum from Margaret L. Neily, Project Manager, Directorate for Engineering Sciences, to the Commission, "Laundering/Detergent Updates—FR notice supplements," February 19, 1999.

[FR Doc. 99-6073 Filed 3-16-99; 8:45 am]

BILLING CODE 6355-01-P

## DEPARTMENT OF THE TREASURY

### 19 CFR Part 24

RIN 1515-AC40

#### Expanded Methods of Payment of Duties, Taxes, Interest and Fees

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend the Customs Regulations to expand the number of ways that Customs will accept payment of duties, taxes, fees, interest and other charges. Currently, the regulations allow payment by credit or charge cards that have been authorized by the Commissioner of Customs only at designated locations, and then only by non-commercial entities. In this document, Customs is proposing to allow payment by any electronic technology or charge cards (debit cards or credit cards) that are authorized by the Commissioner of Customs and to remove the limitation that these methods of payment may only be used by non-commercial entities. These changes, if adopted, will assist Customs in improving customer service and financial management.

**DATE:** Comments must be received on or before May 17, 1999.

**ADDRESS:** Written comments may be submitted to and comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue NW., Third Floor, Washington, DC 20229.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Dichysyn, Accounting Services Division, U.S. Customs Service, 317-298-1200, extension 1339.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 24.1(a)(7) of the current Customs Regulations (19 CFR 24.1(a)(7)) provides for the use of credit or charge cards that have been authorized by the Commissioner of Customs for the payment of duties, taxes and/or other charges at Customs service locations for non-commercial entries, subject to ultimate collection from the credit card company. Payment by this manner is currently limited to non-commercial entries. Persons paying by charge or credit card remain liable for all such charges until paid.

This proposed regulation would extend this privilege to commercial entries and allow payment through the use of electronic technology or by the

use of credit cards (either debit cards or credit cards) authorized by the Commissioner of Customs. These changes will assist Customs in improving customer service and financial management. The proposal affords Customs customers the broadest range of payment options.

Also, Customs proposes to revise the heading and text of both introductory paragraph (a) and paragraph (a)(1) to include the terms "fees" and "interest" to reflect that the proposed payment methods may be used to pay fees assessed pursuant to 19 U.S.C. 58a through 58c and to pay fees and interest pursuant to 19 U.S.C. 1505, as amended by section 642 of the North American Free Trade Agreement Implementation Act.

#### Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue NW., Third Floor, Washington, DC 20229.

#### Regulatory Flexibility Act

Because this proposal expands the options available for payments due to Customs and facilitates the public payment process, it is certified that the amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, the proposed amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 or 604.

#### Executive Order 12866

This document does not meet the criteria for a significant regulatory action under Executive Order (E.O.) 12866.

#### Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

#### List of Subjects in 19 CFR Part 24

Accounting, Claims, Fees, Financial and accounting procedures, Imports, Taxes.