

John A. Clayborn, Air Traffic Division, Operations Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 96-AGL-25." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E airspace at Big Rapids, MI; this proposal would provide adequate Class E airspace for operators executing the GPS Runway 27 SIAP at Roben-Hood Airport. Controlled airspace extending upward from 700 to 1,200 feet AGL is needed to contain aircraft executing the approach. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69,

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MI E5—Big Rapids, MI [Revised]

Roben-Hood Airport, MI
(Lat. 43°43'21"N, long. 85°30'15"W)
White Cloud VORTAC

(Lat. 43°34'29"N, long. 85°42'58"W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Roben-Hood Airport, and within 4.4 miles each side of the White Cloud VOR 048° radial extending from the 6.7-mile radius to the VOR, and within 2.0 miles each side of the 095° bearing from the airport extending from the 6.7-mile radius to 9.4 miles east of the airport.

* * * * *

Issued in Des Plaines, Illinois on December 4, 1996.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 96-31865 Filed 12-13-96; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1508 and 1509

Amendments to Requirements for Full-Size and Non-Full-Size Baby Cribs: Request for Comments and Information

AGENCY: Consumer Product Safety Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Based on information currently available, the Commission has reason to believe that unreasonable risks of injury and death may be associated with the slats of certain baby cribs.¹

¹ The Commission voted 2-1 to issue this Advance Notice of Proposed Rulemaking, with Chairman Ann Brown and Commissioner Thomas Moore voting in favor of the notice and Commissioner Mary Gall voting against it. Copies of their statements are available in the Commission's Office of the Secretary.

From 1985 to September 1996, the Commission identified numerous incidents in which crib slats appeared to disengage from the side panels of the crib. When this occurs, children are at risk of becoming entrapped between the remaining slats or falling out of the crib. Twelve incidents resulted in fatalities and five in injuries. Neither existing Commission regulations nor the current voluntary standard adequately addresses these risks of injury and death.

This advance notice of proposed rulemaking ("ANPR") initiates a rulemaking proceeding under the authority of the Federal Hazardous Substances Act ("FHSA"). One result of the proceeding could be the issuance of a rule requiring that crib sides pass a performance standard to assure the structural integrity of crib slats and side panels.

The Commission requests written comments from interested persons concerning the risks of injury and death, the regulatory alternatives discussed in this notice, and other possible means to address these risks. The Commission invites any interested persons to submit an existing standard or a statement of intent to modify the voluntary standard to address the risks of injury described in this notice.

DATES: Written comments and submissions in response to this notice must be received by the Commission by February 14, 1997.

ADDRESSES: Comments should be mailed, preferably in five (5) copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814-4408, telephone (301)504-0800.

FOR FURTHER INFORMATION CONTACT: Deborah K. Tinsworth, Project Manager, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0470, ext. 1276.

SUPPLEMENTARY INFORMATION:

A. Background

The Consumer Product Safety Commission ("CPSC" or the "Commission") has become aware that the slats² on some cribs may disengage from the cribs' side panels and result in injury or death. As explained in this

²The term "slats" as used in this notice means both the flat vertical bars on the side of a crib as well as the rounded bars (which are sometimes called "spindles").

notice, the Commission is beginning a rulemaking proceeding to address this risk.

1. Summary of Existing Requirements

The Commission enforces two baby crib regulations, one applies to full-size cribs, 16 CFR part 1508, and the other to non-full-size cribs, 16 CFR part 1509. Both of these regulations contain requirements concerning the spacing of components, such as slats. However, neither regulation includes requirements addressing the structural integrity of slats and side panels. (Other aspects of the existing CPSC crib regulations are discussed in section E of this notice.)

In addition to CPSC's regulations, there is a voluntary standard—ASTM F1169 Standard Consumer Safety Performance Specification for Full-Size Cribs. And, ASTM is currently developing a standard for non-full-size cribs. The Juvenile Product Manufacturers Association ("JPMA") administers a program to certify that cribs meet the ASTM F1169 standard. The ASTM F1169 voluntary standard requires that crib panels withstand 50 drops of a 25 pound weight from a height of 3 inches. As explained below, the Commission does not believe that this test is adequate.

2. Chronology of Commission Activity

CPSC staff has been working with industry to address the risk of crib slat disengagement since the staff first became aware of the problem. As discussed below, the staff has been active on several fronts. The Commission's Office of Compliance has worked with industry to recall or otherwise correct specific cribs with disengaging slats. Currently, the Commission's technical staff has been working with ASTM participants to try to address the problem and conducting its own tests to develop an improved standard.

Since 1985, the Commission has received reports of 138 incidents in which crib slats disengaged (i.e., were loose, missing, or broken) thereby presenting a risk of injury or death. In addition, as discussed below, one manufacturer had reports of 230 incidents in which slats loosened and separated from the side rail.

In 1991, the Commission's Office of Compliance worked with one company to recall certain models of its cribs that had loose or missing slats. Early in 1995 the Commission staff became aware that two other companies' cribs had slats that disengaged. The staff worked with these manufacturers to recall the cribs in February and March of 1995. Some of

these cribs had been involved in minor injuries and one was involved in the death of a child in 1993.

On October 20, 1995, the Commission staff sent a letter to the Chairman of ASTM's subcommittee on cribs expressing concern about this problem and requesting that participants at the subcommittee's October 26 meeting discuss crib slat strength and a torque test that is part of a Canadian crib standard. Under this part of the Canadian standard, discussed in greater detail below, slats must withstand twisting when a specified amount of force is applied. Participants at the subcommittee meeting discussed slat disengagement, and CPSC staff requested manufacturers perform the Canadian torque test and discuss results at the next subcommittee meeting.

In December 1995, the Commission's Compliance staff worked with another manufacturer to recall a crib with spindles which could loosen and separate from the side rail. The company was aware of 230 incidents in which this had occurred, sometimes with minor injuries. The Commission staff is still evaluating these reports.

At the January 30, 1996 ASTM crib subcommittee meeting, CPSC staff shared information concerning 62 of the slat separation incidents that had been reported to CPSC. (These 62 incidents had occurred between January 1990 and December 31, 1995, and they did not include incidents involving "broken" slats.) Manufacturers reported that the Canadian torque test would not always detect unsatisfactory glue joints. Manufacturers also stated that they believed the problem was not with the ASTM standard but with some manufacturers who were not testing cribs frequently enough during the manufacturing process.

On February 8, 1996, CPSC's Compliance staff sent questionnaires to JPMA for distribution to 48 manufacturers of juvenile furniture concerning the manufacturers' quality control procedures. Twenty-one companies responded to the questionnaire (18 do not currently manufacture cribs and 9 had provided the information previously). Each of the nine largest crib manufacturers (produced over 100,000 cribs between January 1993 and December 1995) performed some quality assurance testing on their cribs. However, the responses to the questionnaire were not sufficiently detailed for the staff to determine how these tests were conducted.

The ASTM crib subcommittee met again on March 12 and May 29, 1996. Manufacturers at the May ASTM

meeting stated that they believed only a few manufacturers were involved in the slat separation incidents and, therefore, there was no need to change the ASTM F1169 standard.

In the summer of 1996, the Commission's Engineering Laboratory staff conducted tests on a variety of cribs, as described below. The staff found that cribs that passed ASTM's side panel test failed when tested under more stringent conditions.

When the ASTM subcommittee met on September 26, 1996, the CPSC staff presented results of its tests and suggested amending the ASTM F1169 standard to (1) require a torque test similar to the Canadian crib standard and (2) strengthen the ASTM test to specify 1,000 drops of a 50 pound weight from a height of 3 inches onto crib side panels.

In November 1996, the Commission's Compliance staff worked with a fifth manufacturer to conduct a corrective action plan for its cribs with disengaging slats. A total of approximately 682,000 cribs were affected by the five corrective actions since 1991 for slat separation.

3. CPSC Staff's Testing

The Commission's Engineering Laboratory staff tested eight crib samples which had rounded or rectangular slats secured by various means (e.g., some slats were glued and some were pinned). None of the samples tested separated when tested in accordance with the ASTM side panel test (50 drops of a 25-pound weight from a height of 3 inches). However, when the weight dropped onto the side panel was increased from 25 pounds to 50 pounds, all four of the samples with slats secured only by glue did separate. One sample separated after only 27 cycles, two separated after fewer than 130 cycles and one sample separated after 539 cycles. Because a 95th percentile 30-month-old child (the oldest child likely to be in a crib) weighs 35 pounds, the staff chose 50 pounds as a test weight to allow a margin of safety.

The staff also tested these eight cribs in a manner similar to the Canadian torque test but used a lower force. Under the Canadian test, a torque of 8 newton meters (N.m) (approximately 6 pounds feet) is applied to each slat and maintained for 10 seconds. In the CPSC staff's tests a force of 6.78 N.m (5 pounds feet) was applied. During these tests, samples with pinned and mortised crib slats (i.e., rectangular slat ends which fit into rectangular openings in the crib rails) did not rotate when torque tested. However, samples with rounded

slats which were pinned did rotate when torque tested, as did samples with round slat ends that were glued.

B. Statutory Authority

This proceeding is conducted under provisions of the Federal Hazardous Substances Act ("FHSA"), 15 U.S.C. 1261 *et seq.* Cribs with slats that disengage may present a mechanical hazard and would therefore be banned as "hazardous substances" under the FHSA.

A "hazardous substance" includes any toy or other article intended for use by children which the Commission determines, by regulation, presents an electrical, mechanical, or thermal hazard. 15 U.S.C. 1261(f)(1)(D). An article may present a mechanical hazard if, "in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness (1) from fracture, fragmentation, or disassembly of the article * * *" 15 U.S.C. 1261(s). Under the FHSA, a toy, or other article intended for use by children which is or contains a "hazardous substance" susceptible to access by a child is banned. 15 U.S.C. 1261(q)(1)(A).

A proceeding to promulgate a regulation determining that a toy or other children's article presents a mechanical hazard is governed by the requirements set forth in section 3(f) through 3(i) of the FHSA. 15 U.S.C. 1262(e)(1)-(i). First, the Commission must issue an advance notice of proposed rulemaking ("ANPR") as provided in section 3(f). 15 U.S.C. 1262(f). The ANPR must identify the product and the risk of injury; summarize the regulatory alternatives under consideration; describe existing standards and explain why they do not appear to be adequate; invite comments from the public; and request submission of a new or modified standard. *Id.*

If the Commission decides to continue the rulemaking proceeding after considering responses to the ANPR, the Commission must publish the text of the proposed rule along with a preliminary regulatory analysis in accordance with section 3(h) of the FHSA. 15 U.S.C. 1262(h). If the Commission then wishes to issue a final rule, it must publish the text of the final rule and a final regulatory analysis that includes the elements stated in section 3(i)(1) of the FHSA. 15 U.S.C. 1262(i)(1). Before the Commission may issue a final regulation, it must make findings concerning voluntary standards, the relationship of the costs and benefits of the rule, and the burden imposed by the regulation. 15 U.S.C. 1262(i)(2).

C. The Product

Both full-size and non-full-size cribs (with non-mesh sides), as defined in 16 CFR Parts 1508 and 1509, are covered by this notice. Cribs are one of the few products that are intended for use when children are unattended. Thus, their safety is essential.

As discussed above, there are both mandatory and voluntary safety standards for cribs. Accordingly, crib safety efforts have generally focused on hazards from older "used" cribs. However, many cribs from which slats have become disengaged were relatively new. Of 62 crib slat disengagement incidents reported to CPSC between January 1, 1990 and December 31, 1995, only 7 cribs were purchased used or were more than 3 years old. (In 14 incidents the age of the crib was unknown.) Moreover, the problem appears to affect a range of manufacturers. Since 1991, five different companies have conducted recalls or other corrective actions for cribs with slats that became disengaged. Twenty-six manufacturers or retailers were involved in the 62 slat disengagement incidents that the Commission's engineering staff brought to the ASTM subcommittee's attention at its January and March 1996 meetings.

Currently, there are at least 20 manufacturers of cribs. In 1995, about 2.2 million cribs were sold. Assuming a product life of 10 to 25 years, there may be 23 to 48 million cribs available for use. However, based on the population of children who would use cribs (under 30 months of age), only about 10 million cribs would be in use at any given time. According to a leading juvenile product trade publication, the average expenditure for a crib or cradle in 1993 (the most recent year for which such information is available) was about \$160.

Over the three year period from 1993 to 1995, the largest eight manufacturers each produced in excess of 200,000 cribs. Six of these eight manufacturers each had three or more crib slat disengagement incidents reported during that period of time. These six are all certified by JPMA as being in conformance with the ASTM F1169 crib standard. All of the eight manufacturers conduct some type of quality assurance tests. However, as discussed above, the Commission does not have sufficient information to evaluate the adequacy of these tests.

D. Risks of Injury and Death

As explained above, this notice concerns the risk of injury and death posed to children when the slats of a

crib become disengaged from their side panels. Since January 1, 1985, 138 such incidents have been reported to the Commission. This includes cases in which the slats were disengaged, loose, missing, or broken. It does not include incidents that apparently resulted from poor maintenance (such as missing or improper hardware), misuse, or very old "antique" cribs.

When slats disengage from the crib side panel, a gap is left between the remaining slats. A child may be able to get his or her body through the space but not his or her head, resulting in entrapment and severe injury or death. Or, if the space is larger, a child could fall out of the crib.

Fortunately most of the reported incidents did not result in injury. In some cases, a parent noticed that slats were loose or detached before any injuries could occur. In some other cases, slats detached when a parent raised or lowered the side rail of the crib. However, twelve of these incidents did result in fatalities and five in injuries. Children who died or were injured generally had gotten their necks trapped in the space left by missing slats.

Although the Commission has worked with crib manufacturers to recall cribs which present this hazard, the problem has continued. Fifteen of the 138 incidents were reported to the Commission since January of 1996.

E. Existing Standards

1. CPSC Regulations

The Commission's regulations for full-size and non-full-size cribs are substantially similar. The full-size crib regulation applies to cribs with interior dimensions of 133 cm long by 71 cm wide (+ or - 1.5 cm). 16 CFR 1508.3(a). The nonfull-size crib regulation applies to most other rigid-sided cribs that are either smaller or larger than full-size cribs. 16 CFR 1509.2(b)(1).

All cribs must comply with a requirement for the spacing of components such as slats and spindles. *Id.* 1508.4, 1508.5, 1509.5 and 1509.6. Both standards also have requirements concerning crib hardware, construction and finishing, and assembly instructions. *Id.* 1508.7, 1508.8, 1509.7, and 1509.8. The standards also include a requirement and test procedure to prohibit any cutouts that could entrap a child. *Id.* 1508.11 and 1509.13. They also require cautionary labeling, manufacturer identification, and recordkeeping. *Id.* 1508.9, 1508.10, 1509.11 and 1509.12.

Nothing in CPSC's current crib regulations requires any performance

test to ensure the structural integrity of crib side panels and slats. Provisions do require that slats be spaced no more than 6 cm (2 $\frac{3}{8}$ inches) apart and that they maintain their spacing when force is applied in accordance with specified testing. *Id.* 1508.4 and 1509.4. The regulations also contain a general requirement that all wood parts be "free from splits, cracks, or other defects which might lead to structural failure." *Id.* 1508.7(b) and 1509.8(b). However, these requirements do not specifically address the hazard of slats disengaging from crib side panels.

2. The ASTM F1169 Crib Standard

The ASTM F1169 voluntary standard for full-size cribs contains several safety testing procedures. In addition to crib side testing, the standard includes vertical impact testing, a mattress support system test, a test method for crib side latches, a plastic teething rail test, and requirements for labeling and instructional literature.

As stated above, JPMA operates a certification program to certify that cribs meet the ASTM F1169 standard. For a manufacturer's cribs to be certified, the manufacturer must test at least 15 percent of models quarterly and the balance once a year in accordance with the F1169 specification.

The crib side test of F1169 includes a cyclic test and a static test. For the cyclic test, a 25-pound weight is dropped onto the side rail 50 times from a 3 inch height. For the static test—conducted after the cyclic test—a static load of 100 pounds is applied to the bottom rail of the side panel as the panel is suspended by the top rail. Both the drop side and the stationary side of the crib are tested.

Based on testing conducted by the Commission staff and other available information, the current ASTM F1169 standard does not appear to be adequate. One of the cribs that had been recalled and was involved in the death of a child nevertheless passed the ASTM side panel test when the Commission's engineering lab conducted its tests. Yet, it failed a more stringent test.

F. Regulatory Alternatives Under Consideration

The Commission is considering alternatives to reduce the risks of injury and death related to disengaged crib slats. The primary alternative being considered is amending CPSC's crib regulations to require a test to ensure the structural integrity of crib side panels and their slats. Such a standard could be based on an enhancement of the ASTM F1169 side panel test (e.g.,

increasing the weight that is dropped onto the crib and the number of cycles) and addition of a torque test.

Another alternative is for the Commission to take no regulatory action but to pursue recalls of hazardous cribs on a case-by-case basis using its authority from section 15 of the FHSA, 15 U.S.C. 1274. As explained above, there have been five corrective action plans for cribs which had slats that became disengaged. However, since numerous manufacturers appear to be involved, the Commission is concerned that this may be a wide-spread problem that would be better addressed through regulation. As explained above, the Commission is also concerned that the existing crib side testing procedure under ASTM standard F1169 is not adequate.

Finally, the Commission staff could continue to work with the ASTM crib subcommittee to strengthen the F1169 voluntary standard. This option would not require any regulatory action. However, the Commission staff has been working with the ASTM crib subcommittee since October 1995. Although slat disengagement incidents continue to occur, industry has not agreed to make the voluntary standard more stringent.

G. Request for Information and Comments

This ANPR is the first step of a proceeding which could result in amending CPSC's crib standards to require structural integrity tests for crib side panels and their slats. All interested persons are invited to submit to the Commission their comments on any aspect of the alternatives discussed above. Specifically, in accordance with section 3(f) of the FHSA, the Commission requests:

- (1) Written comments with respect to the risk of injury identified by the Commission, the regulatory alternatives being considered, and other possible alternatives for addressing the risk.
- (2) Any existing standard or portion of a standard which could be issued as a proposed regulation.
- (3) A statement of intention to modify or develop a voluntary standard to address the risk of injury discussed in this notice, along with a description of a plan to do so.

All comments and submissions should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, and received no later than February 14, 1997.

Dated: December 9, 1996.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Reference Documents

The following documents contain information relevant to this rulemaking proceeding and are available for inspection at the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814-4408:

1. Memorandum from Suzanne P. Cassidy, EHHA, to John Preston, ES, dated June 13, 1996, entitled "Incident Data on Crib Slat Disengagements."
2. Memorandum from Suzanne P. Cassidy, EHHA, to John Preston, ES, dated June 13, 1996, entitled "Data Update on Crib Slat Disengagements—Incidents Reported Since June 13, 1996."
3. Memorandum from Anthony C. Homan, EC, to Debbie Tinsworth, Project Manager, dated October 31, 1996, entitled "Infant Cribs".
4. Letter from John Preston, P.E., Directorate for Engineering Sciences, CPSC, to Mr. William S. Suvak, P.E., Chairman, Crib Section of ASTM Subcommittee F15.18, dated October 20, 1995.
5. Letter from John Preston, P.E., Directorate for Engineering Sciences, CPSC, to Mr. Willion S. Suvak, P.E., Chairman, Crib Section of ASTM Subcommittee F15.18, dated November 8, 1995.
6. Letter from John Preston, P.E., Directorate for Engineering Sciences, CPSC, to Mr. Willion S. Suvak, P.E., Chairman, Crib Section of ASTM Subcommittee F15.18, dated July 10, 1996.
7. List of Crib Slat Incidents—1/1/90 to 12/30/95 (prepared by John Preston, CPSC/ES, 6/12/96).
8. Chronology of Crib Slat Activities (prepared by John Preston, CPSC/ES, 10/11/96).
9. Memorandum from Carol Cave, Office of Compliance, to Debbie Tinsworth, Project Manager, dated October 17, 1996, entitled "Crib Slat Disengagement."
10. CPSC Press Releases No. 91-114, dated August 22, 1991; No. 95-076, dated February 10, 1995; No. 95-088, dated March 1, 1995; No. 96 December 1995.
11. Sample Letter from David Schmeltzer, Assistant Executive Director, Office of Compliance, CPSC, to Crib Manufacturers and Importers, November 15, 1995.
12. Letter from Marc Schoem, Director of Corrective Actions, CPSC, to Mr. William Macmillan, Chairman, Juvenile Products Manufacturers Association, Inc., February 8, 1996.
13. Canadian Standard for Cribs, Portable Cribs and Cradles, PSB-TC-076, Printed in Trade Communique, Issue N. 7, October 1986.
14. ASTM F1169-88, Standard Specification for Full Size Baby Crib.

15. Memorandum from Robert Hundemer, LSEL, to Deborah Tinsworth, Project Manager, dated November 5, 1996, entitled "Crib Slat Testing."
16. Memorandum from Ronald L. Medford, Assistant Executive Director, and Deborah Kale Tinsworth, Project Manager, to the Commission, dated November 19, 1996, "Options Paper: Crib Slat Disengagement."

[FR Doc. 96-31834 Filed 12-13-96; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-209834-96]

RIN 1545-AU30

Empowerment Zone Employment Credit

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the period employers may use in computing the empowerment zone employment credit under section 1396 of the Internal Revenue Code. These proposed regulations reflect and implement certain changes made by the Omnibus Budget Reconciliation Act of 1993 (OBRA '93). They affect employers of employees who live and work in an empowerment zone designated under the statute. These proposed regulations provide employers with the guidance necessary to claim the credit. This document also contains a notice of public hearing on these proposed regulations.

DATES: Written comments must be received March 17, 1997. Outlines of oral comments and requests to speak at the public hearing scheduled for May 7, 1997, at 10 a.m., must be received by April 16, 1997.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG-209834-96), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, D.C. 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG-209834-96), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the

IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax_regs/comments.html. The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Robert G. Wheeler, (202) 622-6060; concerning submissions and the hearing, Michael Slaughter, (202) 622-7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) relating to the empowerment zone employment credit under section 1396. Sections 1391 through 1397D (relating to empowerment zones and enterprise communities) were added to the Internal Revenue Code by the Omnibus Budget Reconciliation Act of 1993 (OBRA '93). Section 1397D of the Code authorizes the Secretary of the Treasury to prescribe regulations that may be necessary or appropriate to carry out the purposes of section 1394 through 1397C.

The amount of the empowerment zone employment credit under section 1396 is equal to a specified percentage of qualified zone wages, which are certain wages paid or incurred by an employer for services performed by a qualified zone employee. Questions have arisen about the definition of a "qualified zone employee" in section 1396(d). In particular, questions have been raised about the appropriate period under section 1396(d)(1)(A) during which substantially all of the services performed by an employee for his or her employer must be performed within an empowerment zone in a trade or business of the employer.

In Notice 96-1, 1996-3 I.R.B. 30, the IRS announced its intention to publish a notice of proposed rulemaking that would clarify the relevant period for this purpose. Notice 96-1 described a rule under which employers would have a choice about what period to use, and invited comments on this and any other related issues for which guidance would be helpful to employers. No comments were received. These proposed regulations set forth the rule described in Notice 96-1.

Explanation of Provisions

Under the proposed regulations, an employer may use either each pay period or the entire calendar year as the