

materials. One such requirement is that the product bear or be displayed with a conformance statement indicating that it has been reviewed in accordance with the standard. 16 CFR 1500.14(b)(8)(i)(C)(7).

The February 13, 1995 Statement of Enforcement Policy indicated in the preamble that the conformance statement was "other cautionary labeling" as that term is defined under FHSA regulations and that the conformance statement must comply with the FHSA's conspicuousness requirements at 16 CFR 1500.121 (c) and (d). 60 FR at 8191. In a letter to Commission staff, the Art and Creative Materials Institute, Inc. ("ACMI") objected to this statement. After reviewing the matter, the Commission agrees with ACMI and is issuing this clarification.

Under the LHAMA requirements, the preferred form for the conformance statement is on the product itself. 16 CFR 1500.14(b)(8)(i)(C)(7). However, other options are available, such as a display at the point of purchase or in separate explanatory literature. *Id.* As the conformance statement does not have to appear as a label, we agree that it should not be considered "other cautionary labeling."

Thus, it is not mandatory that conformance statements comply with the FHSA conspicuousness requirements for cautionary labeling. However, as ACMI recognizes, the conformance statement must be legible. Otherwise, the purpose of having a conformance statement is frustrated. The Commission considers the conspicuousness regulations useful guidance for manufacturers trying to determine appropriate characteristics for a legible conformance statement.

All other aspects of the February 13, 1995 Statement of Enforcement Policy remain unchanged.

List of Subjects in 16 CFR Part 1500

Arts and crafts, Consumer protection, Hazardous materials, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, Toys.

Dated: October 6, 1995.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulations No. 4]

RIN 0960-AA99

Revised Medical Criteria for Determination of Disability, Cardiovascular System; Correction

AGENCY: Social Security Administration.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations published in the Federal Register on Thursday, February 10, 1994 (59 FR 6468). The regulations revised the criteria in the Listing of Impairments (the listings) for evaluating cardiovascular impairments for individuals who claim benefits based on disability under title II and title XVI of the Social Security Act.

EFFECTIVE DATE: These correcting amendments are effective October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Regarding this Federal Register document—Richard M. Bresnick, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1758; regarding eligibility or filing for benefits—our national toll-free number, 1-800-772-1213.

SUPPLEMENTARY INFORMATION: In the final regulations, the word "and" was used incorrectly twice instead of the word "or" and two terms were reversed from one place to another. In the preface to the Cardiovascular System listings (4.00), the first sentence of 4.00C2b(1) correctly referred to "a 'sign-or symptom-limited' test * * *." However, the first sentence of 4.00C2e(1) incorrectly referred to a test "documented by onset of signs and symptoms * * *." Also, listing 4.04A referred to a "Symptom-and sign-limited exercise test * * *." In each of the latter two cases, the word "and" could be interpreted incorrectly to mean that the test must be limited by both signs and symptoms. Because the rule we use is that the test need be limited only by one or the other, we are making this correction. Listing 4.04A also should have referred to a "Sign-or symptom-limited exercise test" for consistency with 4.00C2b(1). Therefore, this correction is also being made.

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability

Insurance, Reporting and recordkeeping requirements, Social security.

Accordingly, appendix 1 of subpart P of 20 CFR part 404 is corrected by making the following correcting amendments:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

Subpart P—[Amended]

1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205 (a), (b), and (d) through (h), 216(i), 221 (a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405 (a), (b), and (d) through (h), 416(i), 421 (a) and (i), 422(c), 423, 425, and 902(a)(5)).

Appendix 1 [Corrected]

2. In part A, 4.00 Cardiovascular System, 4.00C2e(1), in the first sentence, the phrase "signs and symptoms" is revised to read "signs or symptoms".

3. In part A, 4.00 Cardiovascular System, listing 4.04A, in the first sentence, the phrase "Symptom-and sign-limited" is revised to read "Sign-or symptom-limited".

Dated: October 5, 1995.

Martin Sussman,

Alternate Liaison Officer.

[FR Doc. 95-25415 Filed 10-12-95; 8:45 am]

BILLING CODE 4190-29-P

DEPARTMENT OF JUSTICE

28 CFR Part 0

[EOIR No. 111F; AG Order No. 1992-95]

RIN 1125-AA12

Executive Office for Immigration Review; Board of Immigration Appeals; Board Members

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations on the organization of the Department of Justice to reflect the accurate number of persons who currently serve as Members of the Board of Immigration Appeals (Board).

EFFECTIVE DATE: This final rule is effective October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone (703) 305-0470.

SUPPLEMENTARY INFORMATION: On June 5, 1995, the Department published a final

rule amending 8 CFR 3.1(a)(1) to increase the number of members on the Board from a total of five (a Chairman and four members) to a total of twelve (a Chairman and eleven members). 60 FR 29469 This final rule amends 28 CFR 0.116 so that it is consistent with 8 CFR 3.1(a)(1).

Compliance with 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is not necessary because this rule relates to agency procedure and practice.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, and accordingly this rule has not been reviewed by the Office of Management and Budget. This rule has no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612. The rule merits the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

For the reasons set forth in the preamble, 28 CFR part 0 is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

Subpart U—Executive Office for Immigration Review

2. Section 0.116 is amended by removing the word “four” in the first sentence and adding in its place the word “eleven”.

Dated: October 4, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–25281 Filed 10–12–95; 8:45 am]

BILLING CODE 4410–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning October 1, 1995. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in August 1995 through October 1995. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

EFFECTIVE DATE: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; telephone 202–326–4024 (202–326–4179 for TTY and TTD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: As part of title IV of the Employee Retirement Income Security Act of 1974, as amended, the Pension Benefit Guaranty Corporation collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR § 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code (“Code”). Similarly, under 29 CFR § 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in appendix A to the premium regulation and appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning October 1, 1995, the interest charged on the underpayment of taxes will be at a rate of 9 percent.

Accordingly, the PBGC is amending appendix A to 29 CFR part 2610 and appendix A to 29 CFR part 2622 to set forth this rate for the October 1, 1995, through December 31, 1995, quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan’s unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in appendix B to the regulation.

The PBGC publishes these monthly interest rates in appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in appendix A. (The PBGC publishes the appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the appendix A rate, which is determined prospectively, the appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in August of 1995 through October of 1995.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under both regulations, the appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in appendix B to part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these actions is a “significant regulatory action” under the criteria set forth in Executive Order 12866.