AGL OH D Cleveland, Burke Lakefront Airport, OH [Revised]

(Lat. 41°31′03″N., Long. 81°41′00″W.)

That airspace extending upward from the surface to but not including 3000 feet MSL within a 4.1-mile radius of Burke Lakefront Airport, excluding that airspace within the Cleveland, OH, Class B airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Des Plaines, Illinois on February 15, 1995.

Roger Wall,

Manager, Air Traffic Division.

[FR Doc. 95–4778 Filed 2–24–95; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 9050206037–5037–01]

RIN 0691–AA23

Direct Investment Surveys: Raising Exemption Level for Quarterly Report Form BE–577

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends regulations on direct investment surveys to raise the exemption level for filing quarterly Form BE–577, Direct Transactions of U.S. Reporter With Foreign Affiliate. The BE–577 is a mandatory survey of U.S. direct investment abroad conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce. Under this final rule, the exemption level for the survey—the level below which reports are not required—is raised from $15 million to $20 million. This change will reduce the number of respondents that otherwise must report in the survey.

EFFECTIVE DATE: This rule will be effective March 29, 1995.

FOR FURTHER INFORMATION CONTACT: Betty L. Barker, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9800.

SUPPLEMENTARY INFORMATION: In the December 12, 1994 Federal Register, 59 FR 63941, BEA published a notice of proposed rulemaking that would increase the exemption level for filing the BE–577, Direct Transactions of U.S. Reporter With Foreign Affiliate. No comments on the proposed rule itself were received. (As noted below, one comment on changes to the survey forms that did not require rule changes was received.) Thus, this final rule is the same as the proposed rule.

The quarterly BE–577 is part of BEA's regular data collection program for U.S. direct investment abroad. The survey is mandatory and is conducted pursuant to the International Investment and Trade in Services Survey Act (Pub. L. 94–472, 90 Stat. 2059, 22 U.S.C. 3101–3108, as amended).

The exemption level is set in terms of the size of a U.S. company's foreign affiliates. Under this final rule, the exemption level for the BE–577 survey is raised from $15 million to $20 million. Thus, if an affiliate is owned 10 percent or more by the U.S. company and has assets, sales, or net income greater than $20 million (positive or negative), it will have to be reported. If the affiliate does not meet these criteria, a report is not required. The last time the exemption level was raised was May 1, 1986.

Raising the exemption level lowers the number of reports that otherwise must be filed, thus reducing the reporting and processing burdens. The changes in exemption level will be implemented beginning with the reports for the first quarter of 1995.

BEA has made changes to the BE–577 survey form in addition to the raising of the exemption level. These changes, however, did not require rule changes and are not reflected in the final rule. They are a result of changes made to the related BE–10. Benchmark Survey of U.S. Direct Investment Abroad—1994. They include the combination of two items that appeared on the 1994 BE–577 survey and the addition of other items that are on the 1994 BE–10 but were not on the 1994 BE–577. Added to the form are items, to be completed annually, on services transactions between U.S. Reporters and their foreign affiliates by type and an item, to be completed quarterly by affiliates classified in banking, on the U.S. Reporter's share of the affiliate's provision for loan losses. Also, changes in the survey instructions are being made primarily for purposes of clarification and to reflect the combination or addition of items.

In response to the notice of proposed rulemaking, one letter of comment was received. It expressed concern that the new items on services transactions would impose additional burden by requiring modification of information systems and more time to complete the survey forms. The new items must be completed only annually, and the first time they will need to be completed will not be until the second quarter following the end of affiliates' fiscal year 1995, which in most cases will be mid-1996. This will give companies at least a year to implement program changes necessary to report this information.

Executive Order 12612

This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

Executive Order 12866

This final rule has been determined to be not significant for purposes of E.O. 12866.

Paperwork Reduction Act

The collection of information required in this final rule has been approved by OMB (OMB No. 0608–0004).

The public reporting burden for this collection of information is estimated to be 1.15 hours per response (form). The burden on the U.S. Reporter will vary depending on the number of forms that must be submitted in a given reporting period; this ranges from 1 to 225 forms. The estimated burden of 1.15 hours per form includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments from the public regarding the burden estimate or any other aspect of this collection of information should be addressed to: Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Department of Commerce.

Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 606(b)), that this final rule will not have a significant economic impact on a substantial number of small entities. Because it raises the exemption level for filing the survey, it will actually reduce the reporting requirements of smaller entities.

List of Subjects in 15 CFR Part 806

Balance of payments, Economic statistics, Foreign investments in United States, Penalties, Reporting and

recordkeeping requirements, United States investments abroad.

Dated: February 2, 1995.

Carol S. Carson,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA amends 15 CFR Part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR Part 806 is revised to read as follows:

Authority: 5 U.S.C. 301; 22 U.S.C. 3101–3108; and E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12013 (3 CFR, 1977 Comp., p. 147), E.O. 12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

§ 806.14 [Amended]

2. Section 806.14(e) is amended by removing ''$15,000,000'' and adding ''$20,000,000'' in its place.

[FR Doc. 95–4631 Filed 2–24–95; 8:45 am]

BILLING CODE 3510–EA–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1117

Interpretative Regulations for Reporting Choking Incidents to the Consumer Product Safety Commission Pursuant to the Child Safety Protection Act

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Final rule.

SUMMARY: The ''Child Safety Protection Act'' requires manufacturers, distributors, retailers, and importers of marbles, small balls, latex balloons, and toys or games that contain such items or other small parts, to report to the Commission when they learn of choking incidents involving such products. The Commission is issuing a rule to implement this reporting requirement.

DATES: This regulation becomes effective March 29, 1995.

FOR FURTHER INFORMATION CONTACT: Eric L. Stone, Office of Compliance and Enforcement, CPSC, 4440 East West Highway, Bethesda, MD 20814 (Mailing address: Washington, D.C. 20207), telephone (301) 504–0626 extension 1350.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102 of the Child Safety Protection Act, (Pub. L. No. 103–267 (June 17, 1994) (''the Act'' or the ''the CSPA'') requires:

Each manufacturer, distributor, retailer and importer of marble, small ball, or latex balloon, or a toy or game that contains a marble, small ball, latex balloon or other small part, shall report to the Commission any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that—

(A) an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball; latex balloon, or other small part contained in such toy or game and

(B) as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

A failure to report is a prohibited act under section 19(a)(3) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2068(a)(3), punishable by civil penalties under section 20 of the CPSA, 15 U.S.C. 2069. The Act provides a high degree of confidentiality for choking reports. Reports shall not be interpreted as admissions of liability or of the truth of the information in the reports.

On July 1, 1994, the Commission proposed a rule to define several terms and resolve ambiguities and uncertainties in the statutory reporting scheme. (59 F.R. 33927) The Commission received over 200 comments from consumer groups, medical professionals, and individual consumers. Generally, these comments supported the proposed rule. Manufacturers, trade associations, testing labs, attorneys and others commented on behalf of industry. Generally, these groups sought to limit the reporting requirements and allow firms more time and discretion. In all, over 260 comments were received and analyzed.

B. Consideration of the Comments

1. Substantive Versus Interpretative

Several manufacturers, trade associations and industry consultants objected to this rule being issued as a substantive rule. Generally, these commenters believed interpretative rules were more appropriate. Consumers and consumer groups supported issuance of substantive rules.

The business commenters argued (1) a substantive rule would be binding and would eliminate the opportunity to challenge the Commission's interpretation of the reporting requirement on a case-by-case basis; (2) the Commission did not issue other reporting rules under section 15(b) or 37 of the CPSA as substantive rules; (3) since, unlike the provisions of section 101(c) of the Child Safety Protection Act, Congress did not grant the Commission specific authority to issue this rule, the Commission should limit itself to an interpretative rule; (4) section 16(b) of the CPSA is a recordkeeping and inspection provision and was not intended to be used for reporting rules except those limited to inspections; and (5) given the tight timeframes for reporting, the rule should be interpretative.

Section 102(a)(2) of the Child Safety Protection Act provides that ''[f]or purposes of section 19(a)(3) of the Consumer Product Safety Act [15 U.S.C. 2068(a)(3), describing prohibited acts], the requirement to report information under this subsection is deemed to be a requirement under such Act.'' While the Act does not explicitly require the Commission to issue rules to implement it, the Commission believes that Congress intended the entire reporting section to be considered part of the CPSA. The Commission believes its general authority under section 16(b) to issue rules concerning reporting applies.

Section 102 left unanswered several questions about reporting procedures and the contents of the report. The Commission has an obligation to further define the reporting obligation outlined in the statute through rulemaking and it has the authority to do so.

Section 16(b) of the CPSA (15 U.S.C. 2065(b)) authorizes the Commission to require manufacturers, private labelers and distributors to ''make such reports * * * as the Commission may, by rule, reasonably require for the purposes of implementing this Act.'' A failure to make reports or provide information under section 16(b) of the CPSA (15 U.S.C. 2065(b)) is a prohibited act under section 19(a)(3) of the CPSA (15 U.S.C. 2068(a)(3)). The Commission proposed this rule under section 102 of the Act and section 16(b) of the CPSA (15 U.S.C. 2065(b)).

Although section 16(b) falls within a section titled ''Inspection and Recordkeeping,'' the language of the provision does not by its terms limit reporting solely to an inspectional context. The Commission has consistently taken this ''plain language'' view of section 16(b). The Commission cited section 16 as part of the authority for the section 15(b) reporting regulations codified in 16 CFR Part 1115. In addition , the Commission has relied on section 16(b) for authority to require reports in the certification