

ADDRESSES: Comments may be sent to Len Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Len Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506; telephone: (202) 395-6127.

SUPPLEMENTARY INFORMATION:

Background

As a result of the Uruguay Round Agreements, approved by the Congress in section 101 of the Uruguay Round Agreement Act (URAA) Pub. L. 103-465), the President, by Presidential Proclamation No. 6763, has established a tariff-rate quota for beef. (Under a tariff-rate quota, the United States applies one tariff rate, known as the "in-quota tariff rate," to imports of a product up to a particular amount, known as the "in-quota quantity," and a different, higher tariff rate, known as the "over-quota tariff rate," to imports of the product in excess of that amount.) The United States has also agreed to assign Australia, Japan, and New Zealand particular shares of the in-quota quantity.

Additional U.S. note 3 to chapter 2 of the Harmonized Tariff Schedule of the United States, as added by the Annex to Proclamation No. 6763, provides that imports under the tariff-rate quota for beef "are subject to regulations issued by the United States Trade Representative."

As part of the implementation of this tariff-rate quota, the United States is offering exporting countries that have an allocation of the in-quota quantity the opportunity to use export certificates for their beef exports to the United States. Using export certificates assures an exporting country that only those exports that it intends for the United States market are counted against its in-quota allocation, and in this instance ensures that imports do not disrupt the orderly marketing of beef in the United States. However, a country does not need to participate in the export certificate program to receive the in-quota tariff rate for its share of the in-quota quantity.

The government of New Zealand has specifically requested that the opportunity to use export certificates be made available to it and had requested that this opportunity be available as of January 1, 1995. It was not possible to promulgate the necessary regulations by

January 1, 1995, but the United States government is responding to the request of the government of New Zealand as promptly as possible.

Under the interim rule, a country wishing to avail itself of export certificates must notify USTR, provide the necessary supporting information, and otherwise satisfy USTR that the country is a participating country. (USTR intends to publish a notice in the **Federal Register** whenever a country becomes, or ceases to be, a participating country.) The United States Customs Service will then be responsible for ensuring that no imports of beef from that country are counted against the country's in-quota allocation unless there is a proper export certificate for that beef.

The Customs Service will separately issue regulations governing Customs implementation of this rule. Accordingly, no export certificates will be required for imports from a country until the Customs Service regulations are in effect and USTR determines that the country is a participating country.

Review

This rule has been determined to be a "significant regulatory action" under Executive Order 12866 and has been reviewed by the Office of Management and Budget.

The information collection requirements referred to in this rule will be submitted to the Office of Management and Budget by the Customs Service in accordance with 44 U.S.C. Chapter 35 for approval under OMB Number 1515-0065.

No regulatory flexibility analysis is required for this rule since neither 5 U.S.C. 553 nor any other provision of law requires publication of a general notice of proposed rulemaking with respect to this rule. However, the United States Trade Representative has also determined that the rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 2012

Beef, Export certificates, Imports, Meat, Tariff-rate quotas.

For the reasons set out in the preamble, 15 CFR is amended by adding the following new part 2012 to read as follows:

PART 2012—IMPLEMENTATION OF TARIFF-RATE QUOTAS FOR BEEF

Sec.

2012.1 Purpose.

2012.2 Definitions.

2012.3 Export certificates.

Authority: Proclamation No. 6763; sec. 404, Pub. L. 103-465, 108 Stat. 4809.

§ 2012.1 Purpose.

The purpose of this part is to provide for the implementation of the tariff-rate quota for beef established as a result of the Uruguay Round Agreements, approved by the Congress in section 101 of the Uruguay Round Agreements Act (Pub. L. 103-465). In particular, this part provides for the administration of export certificates where a country that has an allocation of the in-quota quantity under the tariff-rate quota has chosen to use export certificates.

§ 2012.2 Definitions.

Unless the context otherwise requires, for the purpose of this subpart, the following terms shall have the meanings assigned below.

(a) *Beef* means any article classified under any of the subheadings of the HTS specified in additional U.S. note 3 to chapter 2 of the HTS.

(b) *Allocated country* means a country to which an allocation of a particular quantity of beef has been assigned under additional U.S. note 3 to chapter 2 of the HTS.

(c) *Enter* means to enter, or withdraw from warehouse, for consumption.

(d) *HTS* means the Harmonized Tariff Schedule of the United States.

(e) *Participating country* means any allocated country that USTR has determined is, and notified the U.S. Customs Service as being eligible to use export certificates.

(f) *USTR* means the United States Trade Representative or the designee of the United States Trade Representative.

§ 2012.3 Export certificates.

(a) Beef may only be entered as a product of a participating country if the importer makes a declaration to the Customs Service, in the form and manner determined by the Customs Service, that a valid export certificate is in effect with respect to the beef.

(b) To be valid, an export certificate shall:

(1) Be issued by or under the supervision of the government of the participating country;

(2) Specify the name of the exporter, the product description and quantity, and the calendar year for which the export certificate is in effect;

(3) Be distinct and uniquely identifiable; and

(4) Be used in the calendar year for which it is in effect.

Michael Kantor,

United States Trade Representative.

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**CONSUMER PRODUCT SAFETY
COMMISSION****16 CFR Part 1203****Interim Rule: Safety Standards for
Bicycle Helmets****AGENCY:** Consumer Product Safety
Commission.**ACTION:** Interim rule.

SUMMARY: The Commission announces that certain voluntary standards for bicycle helmets will become interim mandatory standards pursuant to the Children's Bicycle Helmet Safety Act of 1994. These interim mandatory standards shall remain in effect until replaced by a final standard to be issued by the Commission. These statutory interim standards are the American National Standards Institute ("ANSI") standard Z90.4-1984, the Snell Memorial Foundation standard B-90, and ASTM standard F 1447-1993.

The Commission also announces its determination, pursuant to the Bicycle Helmet Safety Act, that five additional voluntary safety standards for bicycle helmets are appropriate as interim mandatory standards. These standards are ASTM F 1447-1994, Snell B-90S, N-94, and B-95, and the Canadian voluntary standard CAN/CSA-D113.2-M89.

Failure of a bicycle helmet manufactured after the effective date of the interim mandatory standards to comply with at least one of the interim standards shall be considered a violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

DATES: The interim mandatory standards for bicycle helmets will become effective March 15, 1995, and shall apply to all bicycle helmets manufactured after that date.

The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of March 23, 1995.

FOR FURTHER INFORMATION CONTACT: Scott Heh, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301)504-0494 ext. 1308.

SUPPLEMENTARY INFORMATION: On June 16, 1994, the Children's Bicycle Helmet Safety Act of 1994 (the "Act") was enacted. Secs. 201-207, Pub. L. 103-267, 108 Stat. 726-729; 15 U.S.C. 6001-6006. This Act provides that bicycle helmets manufactured 9 months or more from that date (i.e., on or after March 16, 1995) shall conform to one of the

following interim safety standards: (1) The American National Standards Institute (ANSI) standard designated as Z90.4-1984, (2) the Snell Memorial Foundation standard designated as B-90, (3) the ASTM, formerly the American Society for Testing and Materials, standard designated as F 1447, or (4) any other standard that the Commission determines is appropriate. In this notice, the Commission codifies these interim mandatory standards as 16 CFR part 1203 and clarifies that ASTM standard F 1447 means the 1993 version of that standard. This is the version of the F 1447 standard that was in effect at the time the Act was enacted. The Act provides that failure to conform to an interim standard shall be considered a violation of a consumer product safety standard issued under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051-2084.

The Act also directs the Consumer Product Safety Commission to begin a proceeding under 5 U.S.C. 553 to:

1. Review the requirements of the interim standards described above and establish a final standard based on such requirements,
2. Include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders,
3. Include in the final standard provisions that address the risk of injury to children, and
4. Include additional provisions as appropriate.

The Act provides that the final standard shall take effect 1 year from the date it is issued and that the standard shall be considered to be a consumer product safety standard issued under the CPSA. However, the Act also provides that the provisions of the CPSA regarding rulemaking procedures, statutory findings, and judicial review (15 U.S.C. 2056, 2058, 2060, and 2079(d)) shall not apply to this proceeding or to the final standard. When the final standard becomes effective, it will replace the interim standards.

The Commission reviewed the bicycle helmet standards identified in the Act (ANSI, ASTM, and Snell B-90), as well as international bicycle helmet standards and draft revisions of the ANSI, ASTM, and Snell standards that were under consideration. Based on this review, the Commission developed a proposed mandatory safety standard for bicycle helmets. 59 FR 41719 (August 15, 1994). The proposed final safety standard contains requirements for general construction, labeling, peripheral vision, impact attenuation, and dynamic strength of the retention

system of bicycle helmets. In addition to requirements derived from one or more of the voluntary standards applicable to this product, the proposed standard includes requirements specifically applicable to children's helmets and requirements to prevent helmets from coming off during an accident. The Commission also proposed testing and recordkeeping requirements so it can ensure that helmets subject to the standard meet its requirements.

The August 15, 1994, proposal also described the statutory interim standards, explained that the Commission could determine that additional interim standards were appropriate, and stated that the Commission had not yet done so. Two comments received by the Commission on that notice requested that the Commission designate certain other voluntary standards for bicycle helmets as interim mandatory standards. The Snell Memorial Foundation requested that, in addition to the Snell B-90 standard specified by the Act, three other Snell standards be determined appropriate as interim mandatory bicycle helmet standards. These additional Snell standards are: (1) B-90S (a supplemental revision of the Snell B-90 standard), (2) N-94 (a multi-purpose helmet standard), and B-95 (the latest revision of the Snell bicycle helmet standard, which will take effect in 1995). Snell states that helmets certified to any of these three standards will also conform to the Snell B-90 standard specified in the Act.

The Health Protection Branch of Health Canada recommended that the Canadian voluntary standard (Cycling Helmets-CAN/CSA-D113.1-M89) be determined as an appropriate interim mandatory standard. Health Canada stated that such action would comport with Article 906 of the North American Free Trade Agreement ("NAFTA"), which states that "the Parties shall, to the greatest extent practicable, make compatible their respective standards-related measures * * *."

In addition to reviewing the provision and test methods of the requested Snell and Canadian interim standards, the Commission also evaluated the 1994 revision to ASTM F 1447. The Commission concluded that these standards are comparable to, and in some cases exceed, the safety performance criteria of the interim standards identified in the Act. Accordingly, the Commission determines that these additional voluntary standards are appropriate as interim mandatory safety standards for bicycle helmets.

List of Subjects in 16 CFR Part 1203

Consumer protection, Bicycles, Incorporation by reference, Infants and children, Safety.

For the reasons given above, the Commission adds a new part 1203 of Title 16 of the Code of Federal Regulations, to read as follows:

PART 1203—SAFETY STANDARD FOR BICYCLE HELMETS

Sec.

- 1203.1 Purpose and basis.
1203.2 Scope and effective date.
1203.3 Interim safety standards.

Authority: Secs. 201–207, Pub. L. 103–267, 108 Stat. 726–729, 15 U.S.C. 6001–6006.

§ 1203.1 Purpose and basis.

The purpose and basis of this rule is to protect bicyclists from head injuries by ensuring that bicycle helmets comply with the requirements of appropriate existing voluntary standards, as provided in 15 U.S.C. 6004(a).

§ 1203.2 Scope and effective date.

(a) Bicycle helmets manufactured after March 15, 1995, shall comply with the requirements of one of the standards specified in § 1203.3. This requirement shall be considered a consumer product safety standard issued under the Consumer Product Safety Act.

(b) A bicycle helmet is any headgear marketed as suitable for providing protection from head injuries associated with bicycle use.

(c) These interim mandatory safety standards will not apply to bicycle helmets manufactured after the effective date of a final bicycle helmet standard to be issued in the future by the Commission.

§ 1203.3 Interim safety standards.

(a) Bicycle helmets must comply with one or more of the following standards, which are incorporated herein by reference:

(1) American National Standards Institute (ANSI) standard Z90.4–1984, Protective Headgear for Bicyclists,

(2) ASTM standards F 1447–93 or F 1447–94, Standard Specification for Protective Headgear Used in Bicycling, incorporating the relevant provisions of ASTM F 1446–93 or ASTM F 1446–94, Standard Test Methods for Equipment and Procedures Used in Evaluating the Performance Characteristics of Protective Headgear, respectively,

(3) Canadian Standards Association standard, Cycling Helmets CAN/CSA–D113.2–M89,

(4) Snell Memorial Foundation (Snell) 1990 Standard for Protective Headgear for Use in Bicycling (designation B–90),

(5) Snell 1990 Standard for Protective Headgear for Use in Bicycling, including March 9, 1994 Supplement (designation B–90S),

(6) Snell 1994 Standard for Protective Headgear for Use in Non-Motorized Sports (designation N–94), or

(7) Snell 1995 Standard for Protective Headgear for Use with Bicycles B–95.

(b) 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. Copies of the standards may be obtained as follows. Copies of the ANSI Z90.4 standard are available from: American National Standards Institute, 11 W. 42nd Street, 13th Floor, New York, NY 10036. Copies of the ASTM standards are available from: ASTM, 1916 Race Street, Philadelphia, PA 19103. Copies of the Canadian Standards Association CAN/CSA–D113.2–M89 standard are available from: CSA, 178 Rexdale Boulevard, Rexdale (Toronto), Ontario, Canada, M9W 1R3. Copies of the Snell standards are available from: Snell Memorial Foundation, Inc., P.O. Box 493, 7 Flowerfield, Suite 28, St. James, New York 11780. Copies may be inspected at the Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814, or at the Office of the Federal Register, 800 N. Capitol Street NW, Room 700, Washington, DC.

Dated: March 16, 1995.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 95–7082 Filed 3–22–95; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF LABOR**Wage and Hour Division****29 CFR Part 500****Migrant and Seasonal Agricultural Worker Protection Regulations***CFR Correction*

In title 29 of the Code of Federal Regulations, parts 500 to 899, revised as of July 1, 1994, § 500.268 appearing on page 50 should be removed and the following § 500.268 inserted:

§ 500.268 Final decision of the Secretary.

(a) The Secretary's final Decision and Order shall be issued within 120 days from the notice of intent granting the petition, and served upon all parties and the Chief Administrative Law Judge, in person or by certified mail.

(b) Upon receipt of an Order of the Secretary modifying or vacating the

Decision and Order of an Administrative Law Judge, the Chief Administrative Law Judge shall substitute such Order for the Decision and Order of the Administrative Law Judge.

BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE**Department of the Army****Corps of Engineers****33 CFR Part 334****Danger Zone and Restricted Area Regulations**

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers is amending the regulations in 33 CFR Part 334 to add a clause that alerts mariners that potential navigation and charting errors may occur in the boundaries of some danger zones and restricted areas as a result of the updating and replacement of the North American Datum of 1927 with the North American Datum of 1983. The promulgation of these regulations will notify mariners that geographic coordinates establishing danger zone and restricted area boundaries, promulgated in 33 CFR Part 334 are not to be used for plotting on maps and charts where NAD 83 is referenced unless the geographic coordinates in the regulations are expressly labeled "NAD 83". Geographic coordinates without the NAD 83 reference may be plotted on charts or maps which are referenced to NAD 83 only after applying the correct formula that is published on the map or chart being used.

EFFECTIVE DATE: April 24, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Eppard at (202) 272–1783.

SUPPLEMENTARY INFORMATION: A datum is a reference point, line or surface used as a reference in surveying and mapping. Through the use of satellites and other modern surveying techniques, it is now possible to establish global reference systems. The North American Datum of 1983 (NAD 83), a new adjustment of the U.S. network of horizontal control, has been adopted as a standard reference datum by the United States and Canada. In March 1988, the National Ocean Service, National Oceanic and Atmospheric Administration, commenced publishing charts in NAD 83. The parameters of the Ellipsoid of reference used with NAD 83 are very close to those used for the