

being labeled in accordance with the ASTM standard, and that compliance would increase in the coming months. The letter stated that these five companies comprise approximately 90% of the U.S. bucket market.(9)

These five manufacturers also initiated an education and information program warning of the drowning hazard associated with plastic buckets. In late fall of 1994, they issued an audio news release and an audio public service announcement. They are in the process of producing a large color poster to be widely distributed through key safety, health and other organizations. As of February 8, 1995, these firms had committed or spent approximately \$250,000 on the campaign, and their counsel represented that the firms are committed to continuing the campaign over the next 2½ years, spending approximately an additional \$250,000.(9)

### G. Action by the Commission

On February 8, 1995, the Commission held an oral briefing to have the staff provide an update on this proceeding. After considering the issues and information discussed above, the Commission determined that rulemaking is not warranted. Accordingly, the Commission voted to terminate the proceeding and withdraw the ANPR issued on July 8, 1994. In withdrawing the ANPR, the Commission is not relying on a voluntary standard under section 9 of the CPSA. See 15 U.S.C. 2064 and 16 CFR 1115.5. As discussed below, the two Commissioners differed in the reasoning behind their common conclusion that rulemaking is unwarranted.

Chairman Ann Brown stated: "In view of the progress made by the bucket industry in placing English and Spanish warning labels on five-gallon buckets, its commitment to an ongoing information and education campaign, the significant cost to the Commission and industry that could result in attempting to redesign buckets to meet a performance standard with no assurance that such a standard would be practicable and reasonable for all buckets, or even a majority of buckets, it makes sense to terminate the proceeding."(10)

In her statement, the Chairman reviewed the initiation of the proceeding and the industry's efforts involving labeling and developing an information and education campaign. She noted the apparent success of labeling legislation in California where, as far as the Commission is aware, no labeled bucket-related deaths have

occurred since the law took effect. The Chairman noted that her decision was based in part on the significant resources that would be required to address the drowning hazard through a performance standard, noting that "it is best to concentrate those resources on problems that are more clearly solvable within a reasonable period of time." Finally, the Chairman encouraged industry to continue exploring alternatives to labeling that could potentially eliminate the bucket drowning hazard.(10)

Commissioner Mary Sheila Gall observed in her statement that "it is clear that development of a voluntary performance standard and prototype solutions were unworkable, despite the best efforts of industry and our staff." Commissioner Gall explained that, although industry's efforts toward labeling and an information and education campaign were laudable, they did not form the basis of her vote to terminate the rulemaking. Rather, Commissioner Gall found that the drowning incidents occurred due to the absence of adult supervision. She stated: "It is those charged with the responsibility of caring for young children who are creating the hazard. It is not the product." Commissioner Gall concluded that her vote to terminate the rulemaking reaffirmed her position "that the Federal government cannot mandate changes in products as a substitute for responsible adult supervision. The deaths of these children are inexcusable. The fact that they were preventable is tragic."(11)

In accordance with the Commission's decision that a rulemaking proceeding is no longer warranted to address the drowning hazard associated with 5-gallon plastic buckets, the Commission hereby withdraws the ANPR published on July 8, 1994 (59 FR 35058).

Dated: May 30, 1995.

**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, Washington, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814.

1. **Federal Register** notice, "Plastic Buckets; Advance Notice of Proposed Rulemaking; Request for Comments and Information," July 8, 1994 (59 FR 35058).

2. Comments received in response to **Federal Register** notice, "Plastic Buckets; Advance Notice of Proposed Rulemaking; Request for Comments and Information," July 8, 1994 (59 FR 35058).

3. Memorandum from Ronald L. Medford, Assistant Executive Director, HIR, to the Commission, "Commission Meeting on 5-Gallon Buckets," February 7, 1995.

4. Memorandum from Suzanne P. Cassidy, EPA to Celestine Trainor, EPHF, "Data Update of Investigated Cases Associated with 5-Gallon Buckets," January 20, 1995.

5. Memorandum from George Sushinsky, LSEL, to Celestine Trainor, EPHF, "LSEL Status Report on Performance Test Development," January 19, 1995.

6. Log of Meeting of ASTM F15.31 Performance Task Group, July 20, 1994.

7. Log of Meeting of ASTM F15.31, January 25, 1995.

8. ASTM ES 26-93: Standard for Specification of Cautionary Labeling for Five Gallon Open-Head Plastic Containers (Buckets).

9. Letter from David H. Baker, Holland and Knight to Eric Rubel, CPSC, concerning industry program, January 17, 1995.

10. Statement of Chairman Ann Brown, "Five-gallon Buckets," February 8, 1995.

11. Statement of Commissioner Mary Sheila Gall, "The Termination of Rulemaking Proceedings Regarding Five Gallon Buckets," February 8, 1995.

12. Memorandum from Suzanne P. Cassidy, EPA to Ronald Medford, HAR, "Location of Caregivers (Bucket Investigations)," April 20, 1995.

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Parts 10, 12, 102, 134, and 177

RIN 1515-AB19; 1515-AB34

#### Rules for Determining the Country of Origin of a Good for Purposes of Annex 311 of the North American Free Trade Agreement; Rules of Origin Applicable To Imported Merchandise

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On May 5, 1995, Customs published in the **Federal Register** a notice of proposed rulemaking that set forth proposed amendments to the interim Customs Regulations establishing rules for determining when the country of origin of a good is one of the parties to the North American Free Trade Agreement for purposes of Annex 311 of that Agreement and republished, with some modifications, proposed amendments to the Customs Regulations to provide uniform rules governing the determination of the country of origin of imported merchandise. This document extends for an additional 30 days the period of time within which interested

members of the public may submit comments on the proposed amendments.

**DATES:** Comments must be received on or before July 19, 1995.

**ADDRESSES:** Written comments (preferably in triplicate) may be addressed to the Regulations Branch, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, Franklin Court, 1099 14th Street, N.W., Suite 4000, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Sandra Gethers, Office of Regulations and Rulings (202-482-6980).

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 5, 1995, Customs published in the **Federal Register** (60 FR 22312) a notice of proposed rulemaking that (1) set forth proposed amendments to the interim Customs Regulations, published in the **Federal Register** on January 3, 1994, as T.D. 94-4, which established the rules for determining when the country of origin of a good is one of the parties to the North American Free Trade Agreement for purposes of Annex 311 of that Agreement and (2) republished, with some modifications, proposed amendments to the Customs Regulations to set forth uniform rules governing the determination of the country of origin of imported merchandise, which also had been published in the **Federal Register** on January 3, 1994. The document solicited public comments that were to be received on or before June 19, 1995.

Customs has been requested to extend the period of time for comments in order to afford interested parties additional time to study the proposed regulatory changes and prepare responsive comments. Customs believes that it would be appropriate to grant the request. Accordingly, the period of time for the submission of comments is being extended 30 days.

Dated: May 30, 1995.

**Stuart P. Seidel,**

*Assistant Commissioner, Office of Regulations and Rulings.*

[FR Doc. 95-13644 Filed 6-2-95; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Ch. VII**

**Establishment of an Advisory Committee To Negotiate Regulations**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; clarification.

**SUMMARY:** This notice contains information concerning the membership of the advisory committee established by the Office of Surface Mining Reclamation and Enforcement (OSM) to negotiate rulemaking on coal refuse disposal sites.

**FOR FURTHER INFORMATION CONTACT:** Melanie Wilson, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Room 52, Washington, DC 20240, (202) 208-4609.

**SUPPLEMENTARY INFORMATION:** A notice, published March 14, 1995 (60 FR 13858), established the advisory committee and requested nominations for membership. The notice listed those groups contacted during the convening stage of the negotiated rulemaking process to help identify those issues to be considered during the negotiated rulemaking. OSM is publishing this notice to clarify that those parties contacted *have not* agreed to participate in the negotiated rulemaking and nothing in the notice should be construed otherwise.

Dated: May 25, 1995.

**Robert J. Uram,**

*Director.*

[FR Doc. 95-13691 Filed 6-2-95; 8:45 am]

BILLING CODE 4310-05-M

**30 CFR Part 926**

**Montana Regulatory Program and Abandoned Mine Land Reclamation Plan**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Montana regulatory program (hereinafter, the "Montana program") and abandoned mine land reclamation plan (hereinafter, the "Montana plan") under the Surface Mining Control and Reclamation Act of

1977 (SMCRA). The proposed amendment consists of revisions to statutes pertaining to the designation of the Montana State Regulatory Authority and reclamation agency under SMCRA, statutory definitions including those of "prospecting" and "prime farmland," revegetation success criteria for bond release, prospecting under notices of intent, and permit renewal. The amendment is intended to revise the Montana program to be consistent with the corresponding Federal regulations and SMCRA, and to improve program efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.d.t., July 5, 1995. If requested, a public hearing on the proposed amendment will be held on June 30, 1995. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.d.t., on June 20, 1995.

**ADDRESSES:** Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

Copies of the Montana program, the Montana plan, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 2128, Casper, WY 82601-1918, Telephone: (307) 261-5776.

Gary Amestoy, Administrator, Montana Department of State Lands, Reclamation Division, Capitol Station, 1625 Eleventh Avenue, Helena, Montana 59620, (406) 444-2074.

**FOR FURTHER INFORMATION CONTACT:** Guy V. Padgett, Telephone: (307) 261-5776

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Montana Program and Montana Plan**

On April 1, 1980, the Secretary of the Interior conditionally approved the Montana program as administered by the Department of State Lands. General background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program can be found in the April 1, 1980, **Federal Register** (45 FR 21560). Subsequent actions concerning Montana's program and program amendments can be found at 30 CFR 926.15, 926.16, and 926.30.