than 6,000 poisonings of young children with "moderate" or "major" (lifethreatening) effects. In addition, 42 children died in these accidents in 1992, the last year for which the Commission has complete data.

During the more than 20 years since the PPPA was adopted, the Commission has found that, contrary to requirements of the PPPA, "normal" adults of all ages have difficulty using typical CRP. Moreover, the Commission's data indicate that the difficulty in using CRP results in a substantial number of accidental ingestions by young children because adults purchase hazardous substances in non-CRP or disable CRP by leaving the caps off or loose or transferring the package contents to another container.

Accordingly, the Commission sought to address the safety hazard created by difficult to open CRP. On January 19, 1983, the Commission published an advance notice of proposed rulemaking ("ANPR") outlining its concerns in this area and explaining and seeking comment on possible actions to increase the proper use of CRP, to simplify the test procedures, and to make the test procedures less affected by possible variables. 48 FR 2389.

Older adults typically have the most difficulty with CRP. Therefore, in order to eliminate the currently-marketed CR package designs that are most difficult for "normal adults" of all ages to open, the Commission indicated that older adults, ages from 60–75 years, could be substituted for the current panel of 100 18–45-year-olds.

After considering comments on the ANPR and other available information, the Commission proposed amendments to the protocol to address this problem. The proposed amendments would also change the protocol to make the test results more consistent and make the child test easier to perform. The Commission published its initial proposal in the **Federal Register** of October 5, 1990, for public comment. 55 FR 40856.

In addition to the requests for comments in January 1983 and October 1990 noted above, the Commission announced additional comment periods on March 5, 1991, (56 FR 9181) and March 21, 1994 (59 FR 13264). The Commission's staff evaluated the comments received in response to each of these requests.

On December 20, 1994, the Commission was briefed by its staff on the comments on the proposed rule and the changes recommended by the staff. On January 6, 1995, the Commission met and decided to approve the rule recommended by the staff, but to exclude from the scope of the rule those products that must be packaged in metal cans or aerosol form. The staff made appropriate changes to the draft **Federal Register** notice that would issue the final rule, and that notice was approved by the Commission on February 6, 1995.

Immediately thereafter, the Coalition for Responsible Packaging, an industry group, raised concerns about the Commission's action. Most of these concerns already had been addressed in the rulemaking proceeding. Two concerns, however, had not been the subject of specific comments by interested parties in this rulemaking.

Specifically, the new comments can be summarized as follows. First, in establishing an adult test panel consisting of adults aged 60-75, the Commission allegedly exceeded its statutory authority to require that childresistant packaging not be difficult for "normal adults" to use properly. Second, the rule allegedly addresses consumer convenience, rather than safety, which the comment claims is not properly the subject of a Commission regulation. In addition, the second comment contends that to the extent that child-resistant packages exist that will pass the "senior friendly" test approved by the Commission, market forces will be an adequate and more appropriate mechanism to ensure that the more convenient packaging will be

The Commission wanted to assure that it had an opportunity to consider these new arguments that had not previously been raised in the rulemaking. Accordingly, on February 8, 1995, the Commission voted unanimously to withhold publication of the **Federal Register** notice that would have issued the final rule, to consider the new arguments.

On February 21, 1995, the Commission published a **Federal Register** notice announcing that written comments, limited to these two issues only, could be submitted until March 7, 1995. 60 FR 9654. The Commission has now decided to also receive oral comments on these two new issues. Oral comments on these new issues alone may be presented to the Commission at a Commission hearing beginning at 10:00 a.m., March 16, 1995.

A request to present oral comments and an outline or text of the comments must be received by the Commission on or before March 10, 1995. The oral comments shall be limited to 10 minutes per commenter. The Commission reserves the right to further limit repetitious comments. Comments addressing other issues will not be considered.

The hearing will be held in the Commission's Hearing Room, 4330 East-West Highway, 4th Floor, Bethesda, MD 20814. Requests to present oral comments and outlines or text of the comments shall be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 501, 4340 East-West Highway, Bethesda, MD 20814.

Dated: March 1, 1995.

## Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Social Security Administration** 

20 CFR Parts 404 and 416

[Regs. No. 4 and 16] RIN 0960-AB73

## Determining Disability and Blindness; Substantial Gainful Activity Guides

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Proposed rules.

summary: These proposed rules reflect amendments to the Social Security Act (the Act) concerning the trial work period and the disability insurance reentitlement period. The proposed rules also clarify certain standards we use to determine whether work is substantial gainful activity and whether an individual is entitled to a trial work period, thereby further explaining how we determine disability under titles II and XVI of the Act.

**DATES:** To be sure that your comments are considered, we must receive them no later than May 5, 1995.

ADDRESSES: Comments should be telefaxed to (410) 966-0869 or submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, MD 21235, or delivered to the Office of Regulations, Social Security Administration, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8 a.m. and 4:30 p.m. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.