33927. The scope of the NPR covered the issues of reporting for exempt products and for small parts that detach from a toy or game after purchase. Thus, no additional notice is necessary.

D. Impact on Small Businesses

In accordance with section 3(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this regulation will not have a significant economic impact upon a substantial number of small entities if issued on a final basis. Any obligations imposed upon such entities arise under the express provisions of section 102 of the Child Protection Safety Act, Pub. L. No. 103–267, June 17, 1994. This regulation simply revises a narrow aspect of the Commission's interpretation of the obligations imposed by that law. The regulation itself will not have a significant economic impact on small businesses, either beneficial or negative, beyond that which results from the statutory provisions.

E. Environmental Considerations

This revision falls within the provisions of 16 CFR 1021.5(c), which designates categories of actions conducted by the Consumer Product Safety Commission that normally have little or no potential for affecting the human environment. The Commission does not believe that the rule contains any unusual aspects which may produce effects on the human environment, nor can the Commission foresee any circumstance in which the rule issued below may produce such effects. For this reason, neither an environmental assessment nor an environmental impact statement is required.

F. Effective Date

This regulation will become effective 30 days after publication of the final regulation in the **Federal Register**.

List of Subjects in 16 CFR Part 1117

Administrative practice and procedure, Business and industry, Consumer protection, Toy safety, Reporting and recordkeeping requirements, and Small parts.

Conclusion

Therefore, pursuant to the authority of the Child Safety Protection Act [Pub. L. No. 103–267), section 16(b) of the CPSA (15 U.S.C. 2065(b)) and 5 U.S.C. 553, the CPSC amends Part 1117, Chapter II, Subchapter B of Title 16 of the Code of Federal Regulations as follows:

PART 1117—REPORTING OF CHOKING INCIDENTS INVOLVING MARBLES, SMALL BALLS, LATEX BALLOONS AND OTHER SMALL PARTS

1. The authority for Part 1117 continues to read as follows:

Authority: Section 102 of the Child Safety Protection Act (Pub. L. No. 103–267) section 16(b), 15 U.S.C. 2065(b) and 5 U.S.C. 553.

2. Section 1117.2(a) is revised to read as follows:

§1117.2 Definitions.

(a) *Small part* means any part, component, or piece of a toy or game, which, when tested in accordance with the procedures in 16 CFR 1501.4(a) and 1501.4(b)(1), fits entirely within the cylinder shown in Figure 1 appended to 16 CFR 1501.

§1117.2 [Amended]

3. Section 1117.2 is amended by adding a new paragraph (h) to read as follows:

(h) *Toy or game* includes any toy or game, including those exempt under 16 CFR 1501.3 from the small parts banning provisions of 16 CFR 1500.18(a)(9).

Dated: August 3, 1995.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 95–19628 Filed 8–11–95; 8:45 am] BILLING CODE 6355–01–P

16 CFR Part 1500

Labeling Certain Toys and Games Pursuant to the Child Safety Protection Act; Revision to final rule

AGENCY: Consumer Product Safety Commission.

ACTION: Revision to final rule.

SUMMARY: The Child Safety Protection Act of 1994 ("CSPA") requires, in part, toys or games that are intended for children between three and six years of age and contain small parts to bear specific precautionary labels. On February 27, 1995, the Commission issued a final rule interpreting certain provisions of the CSPA. As the preamble to the final rule noted, the Commission did not then resolve the issue of labeling for products exempt from the Commission's existing small parts rule. This revision clarifies that the labeling requirements do not apply to toys and games intended for children three to six years of age that would otherwise be exempt from the banning

provisions of the Commission's small parts regulation if they were intended for children under three. **DATES:** This regulation becomes effective on August 14, 1995. **FOR FURTHER INFORMATION CONTACT:** Frank Krivda, Office of Compliance and Enforcement, Consumer Product Safety Commission, 4440 East West Highway, Bethesda, MD 20814 (Mailing address: Washington, D.C. 20207), telephone (301) 504–0400, ext. 1372.

SUPPLEMENTARY INFORMATION:

A. Background

In 1979, the Commission promulgated regulations to identify and ban products which contain small parts that present choking or aspiration hazards to children under three years of age ("the small parts regulation"). The regulation, in part, prescribes a test method to determine whether small parts are present in a product as marketed or after the product is subjected to reasonably foreseeable use or abuse. The regulation also exempts a number of products such as finger paints, modeling clay, writing materials, and children's grooming, feeding, and hygiene products from the testing requirements because they cannot be manufactured in a manner that passes the testing requirements and still remain functional.

In 1994, the Child Safety Protection Act ("CSPA") established, inter alia, labeling requirements for toys and games that contain small parts and are intended for children between the ages of three and six. 15 U.S.C. 1278. The primary purpose of these requirements is to alert prospective purchasers that such products are not appropriate for children under three years of age because of the potential choking hazard. On February 27, 1995, the Commission published a regulation to implement the requirements of the CSPA. 60 FR 10742. The Commission considered the issue raised by commenters of whether toys or games exempt from the small parts regulation ("otherwise exempt products") require labeling when they are intended for children between three and six years of age. The Commission discussed the issue in the preamble to the final rule, 60 FR 10749, but left it unresolved, pending appointment of a third Commissioner.

Neither the CSPA nor its legislative history expressly address whether otherwise exempt products require labeling when they are intended for children three to six years of age. However, requiring labeling for such products would create an apparent inconsistency with requirements of the small parts regulation. Specifically, if