§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * * (h) * * * (2) * * *

(ii) Multiple beneficiaries. More than one beneficiary may be included in an H–2A, H–2B, or H–3 petition if the beneficiaries will be performing the same service, or receiving the same training, for the same period of time, and in the same location.

* * * * * * * (13) * * *

(iv) H-2B and H-3 limitation on admission. An H-2B alien who has spent 3 years in the United States under section 101(a)(15)(H) and/or (L) of the Act; an H-3 alien participant in a special education program who has spent 18 months in the United States under section 101(a)(15)(H) and/or (L) of the Act; and an H-3 alien trainee who has spent 24 months in the United States under section 101(a)(15)(H) and/ or (L) of the Act may not seek extension, change status, or be readmitted to the United States under section 101(a)(15)(H) and/or (L) of the Act unless the alien has resided and been physically present outside the United States for the immediate prior 6 months.

Dated: November 1, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1145

Regulation of Products Subject to Other Acts Under the Consumer Product Safety Act

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule; revocation of rules.

SUMMARY: The Commission revokes seven rules transferring regulation of risks of injury from the Federal Hazardous Substances Act to the Consumer Product Safety Act. The Commission is revoking these rules because they are no longer needed. EFFECTIVE DATE: December 4, 1995. FOR FURTHER INFORMATION CONTACT: Allen F. Brauninger, Attorney, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0980, extension 2216.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Act (CPSA) (15 U.S.C. 2051 *et seq.*) established the Consumer Product Safety Commission (the Commission) to protect the public from unreasonable risks of injury associated with consumer products. Section 3(a)(1) of the CPSA (15 U.S.C. 2052(a)(1)) defines the term "consumer product" to mean an article which is produced or distributed for sale to, or use by, consumers.

Section 30(a) of the CPSA (15 U.S.C. 2079(a)) transferred to the Commission the authority formerly exercised by the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261 et seq.). Section 30(d) of the CPSA requires the Commission to regulate under the FHSA any risk of injury associated with a "consumer product" which can be eliminated or reduced to a sufficient extent by action under the FHSA, unless the Commission issues a rule to transfer regulation of that risk of injury to the CPSA.

B. Regulation of Toys and Children's Articles

Toys and other articles intended for use by children are "consumer products," as that term is defined by section 3(a)(1) of the CPSA, because they are articles which are produced for sale to consumers. Sections 2(f) and 3 (e) of the FHSA (15 U.S.C. 1261(f), 1262(e)) authorize the Commission to issue rules to ban any "toy or other article intended for use by children" which presents a "mechanical hazard." The procedural steps required to issue a banning rule are set forth in sections 3(e) through (i) of the FHSA (15 U.S.C. 1262(e)–(i)).

C. Corrective Action Under the FHSA

Before 1984, the Commission's authority to order corrective action for toys and children's articles under section 15 of the FHSA (15 U.S.C. 1264) was limited to those items which violated an applicable banning rule.

Between 1981 and 1984, the Commission received reports of deaths and injuries associated with several types of toys and children's articles. These products included:

- Stuffed toys suspended from cords or strings which presented a risk of strangulation death or injury.
- Squeeze toys which presented a risk of suffocation death or injury.
- Mesh-sided playpens and meshsided portable cribs which presented a risk of asphyxia to children from airway blockage or chest compression.

- Expandable enclosures made from criss-crossed slats which presented a strangulation hazard to children.
- Baby cribs with hardware failures or omissions which presented risks of death or injury to children.
- Baby bassinets with legs that collapsed and presented risks of death or injury to infants.

All of these products were "toys or other articles intended for use by children" which presented a "mechanical hazard." However, none of these products was subject to a banning rule issued under provisions of the FHSA. The Commission estimated that issuance of a banning rule would take about two years for each product.

D. Corrective Action Under the CPSA

Then as now, provisions of section 15 of the CPSA (15 U.S.C. 2064) authorized the Commission to issue a corrective action order for any consumer product which contains a defect which creates a "substantial risk of injury to the public" whether or not the product is in violation of a consumer product safety rule or other regulation.

E. Issuance of Transfer Rules

After considering the risks of injury to children presented by the products described above and the provisions of the FHSA and the CPSA, the Commission decided to transfer regulation of those risks from the FHSA to the CPSA. Although the risks of injury might ultimately be eliminated or reduced to a sufficient extent by action under the FHSA, issuance of rules to ban the products under consideration would be required before the Commission could issue a corrective action under the FHSA. The Commission concluded that transfer of regulation of the risks of injury from the FHSA to the CPSA was necessary because corrective action, if appropriate, could be accomplished more efficiently and expeditiously under the CPSA than under the FHSA.

From 1982 through 1984, the Commission issued seven rules under provisions of section 30(d) of the CPSA to transfer regulation of risks of injury associated with toys and children's articles from the FHSA to the CPSA. Those rules are codified in title 16 of the Code of Federal Regulations as:

- § 1145.9 Certain stuffed toys; risk of strangulation injury (issued March 31, 1982, 47 FR 13516).
- § 1145.10 Certain squeeze toys; risk of strangulation injury and/or suffocation injury from lodging in the throat (issued March 15, 1984, 49 FR 9722).