(b) CLEARANCE: 3/15/84
X No Mfrs Identified
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#207

OFFICE OF RECORDS
JUN 3 1975
CONSUMER PRODUCT SAFETY COMMISSION

UNITED STATES GOVERNMENT

# Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Alan Ehrlich, OSCA/TAD
Al Dimcoff, Deputy Executive Director

DATE: JUN 2 1975

FROM : Alan H. Schoem, Attorney, OGC
Richard Allen, Assistant General Counsel

SUBJECT: Ownership of Tapes

You inquired by memorandum dated May 13, 1975, which tape recordings of proceedings of various standards development meetings were required to be turned over to the Commission as part of the offeror's documentation. 16 CFR 1105.7(c) specifies:

> "(c) The offeror shall maintain complete written records of the development of the standard. These records shall include:
>
> * * *
>
> (5) Records of all other matters relevant to the development and evaluation of the standard. These records shall be submitted to the Commission at the termination of the development period. The Commission will make these records available for public inspection and will supply copies upon request, subject to provisions of the Freedom of Information Act (5 U.S.C. 552), section 6 of the Consumer Product Safety Act (15 U.S.C. 2055), and regulations relating to the availability of Commission records."

It is the view of the OGC that an offeror is obliged to furnish the Commission, in written form, the data required by section 1105.7(c). Tapes made

ADVISORY OPINION

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on behalf of the offeror as part of the standard development proceeding should be transcribed by the offeror and furnished to the Commission in writing. Thus, transcription of tapes made by an offeror and by a subcommittee chairman as part of the standards development proceeding should be submitted to the Commission. Tapes belonging to attendees at meetings would not be part of the section 1105.7(c) requirement.

UNITED STATES GOVERNMENT

# Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Office of General Counsel
Attn: A. Schoem

DATE: MAY 13 1975

FROM : Alan M. Ehrlich, Technical Analysis Division, OSCA Alan M Ehrlich

SUBJECT: Ownership of Tapes

As part of the record developed by offerors, some of the proceedings of various meetings were taped. These tapings were accomplished at three different levels:

- tapes by the offeror (e.g., CSGC),
- tapes by a subcommittee chairman (not directly a member of the offeror organization), and
- tapes made by attendees at the meeting (not directly part of the management of the effort).

As part of the complete record of the proceeding, it is possible that certain of these tapes should be turned over to the Commission. Please suggest which of these are considered part of the offerors documentation, and which are to be considered the possession of the private person who made them in the first place.

AME/dml

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