United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

CPSC/OFFICE OF THE SECRETARY

1999 FEB 11 P 10: 37

BALLOT VOTE

DATE: FEB 11 1999

TO : The Commission
Sadye E. Dunn, Secretary

FROM : Jeffrey S. Bromme, General Counsel
Stephen Lemberg, Assistant General Counsel

SUBJECT: Revocation of Sleepwear Amendments; Request for Oral Proceeding

BALLOT VOTE DUE FEB 19 1999

By the attached letter, the National Fire Protection Association (NFPA) requests the opportunity to make an oral presentation on the statutorily-required (Pub. L. 105-276) proposed revocation of amendments to the sleepwear standards that was published in the Federal Register on January 19, 1999 (64 FR 2867). NFPA requests a date that is after the close of the comment period (March 22, 1999), and after the General Accounting Office report is completed (due April 1, 1999). The Commission is required to issue a final rule by July 1, 1999 that revokes, maintains, or modifies the amendments to the sleepwear standards.

Under section 4(d) of the Flammable Fabrics Act, the Commission, in promulgating standards and amendments to standards, is required to give an opportunity for oral presentations in addition to the opportunity to make written submissions. 15 U.S.C § 1193(d). However, Pub. L. 105-276, which controls this proceeding, provides that the rulemaking conducted with respect to this matter is not subject to the Flammable Fabrics Act. Thus, The Commission is not required to provide an opportunity for oral presentations, and any decision to do so is discretionary. The Office of Hazard Identification and Reduction recommends providing an opportunity for oral presentations of views. If the request is granted, the Commission would publish a Federal Register notice affording the opportunity for oral presentations of views to all interested persons.

Please indicate your vote:

I. Approve the NFPA request for the opportunity for an oral presentation.

Signature _____ Date _____

II. Do not approve the NFPA request for the opportunity for an oral presentation.

Signature _____ Date _____

Attachment

NOTE: This document has not been reviewed or accepted by the Commission.
Initial nh Date 2/11/99

CPSA 6 (b)(1) Cleared
2/11/99
No Mfrs/PrvtLblrs or Products Identified
Excepted by _____

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OFFICE OF THE SECRETARY
FREEDOM OF INFORMATION
1999 FEB -4 A 10: 16

January 29, 1999

Ms. Sadye E. Dunn
Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Re: Proposed revocation of certain amendments to the standards for the flammability of children's sleepwear 64 FR 2867

Dear Ms. Dunn:

The National Fire Protection Association (NFPA) respectfully requests an opportunity to present oral testimony before the Commission, pursuant to the Federal Register notice of January 19, 1999 relevant to 16 CFR Parts 1615 and 1616.

In order that we may have an opportunity to review both the public comments submitted to the Commision in response to the aforementioned Federal Register notice, and the GAO reports, we would request the Commision consider a date for the oral presentations after this information is available for public review and before issuance of the final rule.

Our written statement in response to 64 FR 2867 will be filed under separate cover.

Thank you in advance for your consideration of this request.

Sincerely,

Anthony R. O'Neill
Vice President
Government Affairs