U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

This is a DRAFT RCA.
It will be replaced by a Final RCA.

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Inez M. Tenenbaum
Commissioner Nancy A. Nord
Commissioner Robert S. Adler

ITEM:

Fiscal Year 2013 Midyear Review and Operating Plan Adjustments
(Briefing package dated April 24, 2013)

DECISION:

The Commission voted (2-1) to approve with changes the FY 2013 midyear review recommendations of the Executive Director. Chairman Tenenbaum and Commissioner Adler voted to approve the recommendations with the attached changes. Commissioner Nord voted to approve the recommendations as drafted.

For the Commission:

Todd A. Stevenson
Secretary

* Ballot vote due May 3, 2013
Attachment: Approved Changes

On page 7, under "Updates to Fiscal Year 2013 Mandatory Standards," insert the following after the first paragraph:

As part of the Commission's ongoing commitment to transparency, openness, and efficiency as well as recognizing a need to limit unnecessary expenditures of staff resources, in FY 2013 CPSC staff will present for Commission consideration a Notice of Proposed Rulemaking updating 16 CFR § 1101 in accordance with the following guiding principles:

1. Modernize the regulation to account for the significant advancements in information technology that have taken place since its initial adoption in 1983.
2. Streamline the regulation to be as closely aligned with 15 U.S.C. § 2055(b) as possible, with the objectives of:
    a. eliminating unnecessary administrative burdens to the agency,
    b. removing extra-statutory requirements,
    c. eliminating redundancies in providing notice,
    d. minimizing FOIA backlogs, and
    e. maximizing transparency and openness in the agency's disclosure of information.
3. Maintain CPSC's compliance with the statutory requirements of 15 U.S.C. § 2055(b) (i.e., requirements related to notice, opportunity to submit comments, and taking reasonable steps to assure accuracy, fairness in the circumstances, and reasonable relation to effectuating the purposes of the CPSA outlined in 15 U.S.C. § 2051(b)).
4. Maintain the protections of 15 U.S.C. § 2055(b)(5) for information filed in accordance with the requirements of 15 U.S.C. § 2064(b) (e.g., Section 15(b) reports).

On page 12, under "Other Ongoing or Potential Rulemaking Activities," insert the following into the table:

38	16 CFR § 1101 Update	NPR

In addition to the changes to the midyear review plan outlined above, the Commission directs the Office of General Counsel and the Secretariat to undertake a review of existing internal practices and procedures within the Secretariat and, as necessary and appropriate, implement new practices and procedures designed to increase efficiencies and transparency in the disclosure of information outside of the agency.