



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

RECEIVED
JUN 18 1997

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MEMORANDUM

DATE: JUN 18 1997

TO : The Commission

Through: Sadye E. Dunn, Secretary *SD*
 Pamela Gilbert, Executive Director *PG*

FROM : Jeffrey S. Bromme, General Counsel *J. Bromme*
 Richard W. Allen, Assistant General Counsel *RWA*
 Joseph F. Rosenthal, Attorney *JFR*

SUBJECT: Federal Register Notice Removing 16 CFR Part 1017
 Ballot Vote due JUN 25 1997

16 CFR Part 1017 is a regulation setting forth, in great detail, procedures for handling confidential business information that CPSC sometimes receives from EPA and also setting forth procedures for handling confidential chemical formula information that was requested of manufacturers in 1975. These procedures are now obsolete. The chemical formula information has been destroyed and is not likely to be replaced. EPA requires confidential business information to be handled in accordance with its regulations, which are no longer the same as those described in Part 1017.

While Part 1017 could be revised and made consistent with EPA regulations, we believe that doing so would be a needless repetition of what EPA has already done. Accordingly, we propose to simply remove Part 1017 in its entirety, which would save the Commission about \$1,200 a year in charges for printing the Code of Federal Regulations.

Part 1017 assigned responsibility within CPSC for handling confidential business information received from EPA. The proposed Federal Register notice would preserve that responsibility by noting it in a new sentence to be added to the functional description of the Directorate for Epidemiology and Health Sciences in Part 1000.

NOTE: This document has not been reviewed or accepted by the Commission.
Initial RL Date 6/10/97

CPSA 6 (b)(1) Cleared
6/18/97
No Mfrs/PrvtLblrs or
Products Identified
Excepted by *[Signature]*

Please indicate your vote on the following options.

I. Approve the Federal Register notice as drafted.

(Signature)

(Date)

II. Approve the Federal Register notice with the following changes (Please Specify):

(Signature)

(Date)

II. Do not approve the Federal Register notice.

(Signature)

(Date)

IV. OTHER (please specify).

(Signature)

(Date)

Attachment(s)

[BILLING CODE 6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1000 and 1017

Removal of Confidential Business Information Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission ("Commission") is removing 16 CFR part 1017, Procedures for Safeguarding Confidential Business Information Received from EPA, because it is duplicative of EPA regulations and procedures that the Commission is obligated to follow.

EFFECTIVE DATE: [insert date date of publication in the FEDERAL REGISTER].

ADDRESSES: Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301-504-0980.

SUPPLEMENTARY INFORMATION: 16 CFR part 1017 sets forth internal procedures for handling confidential business information that the Commission receives from time to time from the Environmental Protection Agency. It also sets forth internal procedures for handling chemical formulation information that the Consumer Product Safety Commission obtained from consumer product manufacturers in 1975.

The procedures described in part 1017 for handling EPA

information are now obsolete. Moreover, the procedures that the Commission must follow in order to obtain confidential business information from EPA are procedures that EPA itself mandates. These procedures include an annual EPA certification of individual Commission employees as a condition of their access to EPA confidential business information.

The Commission sees no value in replicating those procedures in its own volume of regulations in the Code of Federal Regulation. Likewise, the chemical formulation information obtained in 1975 has since been destroyed and there are no plans to acquire such information in the future. Accordingly, the Commission is removing part 1017 in its entirety.

The Commission is also amending 16 CFR 1000.27 to indicate that the responsibility for handling and safeguarding confidential business information received from EPA, formerly described in 16 CFR 1017, remains with the Commission's Directorate for Epidemiology and Health Sciences.

Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553(b), notice and other public procedures are not required and it is effective immediately upon publication in the FEDERAL REGISTER. Further, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612, and, thus, is

exempt from the provisions of the Act. This action will have no effect on the environment.

List of Subjects in 16 CFR Part 1000

Organization and functions (Government Agencies).

List of Subjects in 16 CFR Part 1017

Business and industry, chemicals, confidential business information, security measures.

For the reason stated in the preamble, Chapter II, Title 16 of the Code of Federal Regulations is amended as follows:

Part 1000--COMMISSION ORGANIZATION AND FUNCTIONS

1. The authority citation for part 1000 continues to read as follows:

AUTHORITY: 5 U.S.C. 552(a).

2. Section 1000.27 is amended by adding the following new sentence at the end: "The Directorate is responsible for managing and safeguarding confidential business information received from the Environmental Protection Agency in accordance with the requirements of that agency."

Part 1017--[REMOVED]

1. Under authority of 5 U.S.C. 301, part 1017 is removed and reserved.

Sadye E. Dunn,
Secretary,
Consumer Product Safety Commission