



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

Record of Commission Action
Commissioners Voting by Ballot

1111 18th Street, N.W.
Washington, D.C.

Voting: Chairman King
Commissioner Franklin
Commissioner Pittle
Commissioner Sloan
Commissioner Zagoria

ITEM

Delegation of Authority in Financial Compensation Program

(Briefing material transmitted by the Office of the
Secretary on December 1, 1978.)

DECISION

The Commission approved the attached Delegation of Authority for selecting participants and authorizing funding under the temporary financial compensation program. The Commission has delegated to a Financial Compensation Selection Committee, comprised of the Executive Director, the General Counsel, and the Secretary of the Commission, the authority to decide who will receive funding and the amount of funding that they will receive. The Commission retains the authority to decide in which informal proceedings it will solicit applications for funding. Attached is the Federal Register notice publishing the delegation document.

VOTE

Concurring: Chairman King (12/8/78)

Susan B. King

Commissioner Franklin (12/7/78)

Barbara H. Franklin

Commissioner Pittle (12/11/78)

R. David Pittle

DISSENTING: Commissioner Sloan (12/8/78)

Edith B. Bedele Sloan

NOT VOTING: Commissioner Zagoria (12/8/78)

Sau Zagoria

Submitted by the Office of Public Participation

DELEGATION OF AUTHORITY FOR FUNDING SELECTED
PARTICIPANTS IN INFORMAL RULEMAKING
PROCEEDINGS

1. Purpose. The purpose of this order is to delegate the Commission's authority to decide whether participants in informal rulemaking proceedings will be authorized to receive financial compensation from the Commission.
2. Scope. The provisions of this order apply to the Financial Compensation Selection Committee.
3. References. Section 27(b)(9) of the Consumer Product Safety Act (15 U.S.C. 2076(b)(9)).
4. Delegation of Authority.

In an interim regulation (16 CFR Part 1050) the Commission has issued its policies and procedures for providing financial compensation to selected participants in its informal rulemaking proceedings. In this order the Commission is delegating some of the authority it has under that regulation to a Financial Compensation Selection Committee. Unless and until superseded by subsequent order, this authority is delegated as follows:

- a) The General Counsel, the Executive Director, and the Secretary of the Commission will be members of a Financial Compensation Selection Committee ("Committee").

If any or all of these positions are vacant, whoever is filling the position(s) on an acting basis will be a member of the Committee. Whenever a member is unable to function on the Committee, he or she may designate a subordinate to serve temporarily as a member of the Committee.

b) While serving on the Committee, all members will follow the applicable provisions of the interim regulation and their own judgments. Although the members normally report to the Chairman of the Commission and serve all the Commissioners, they will make all Committee decisions independent of any instructions or recommendations from the Chairman or Commissioners.

c) All actions of the Committee must be supported by at least two members.

d) The Committee will evaluate all applications (including late applications, described in section 1050.6(a)(4), to the extent practicable) for financial compensation in informal rulemaking proceedings and will authorize funding for selected participants who meet the criteria of section 1050.4(b). The Committee will then notify participants whether they have or have not been authorized funding, in accordance with sections 1050.6(a)(3) and 1050.6(b).

e) The amounts of funding authorized will be in accordance with sections 1050.7(b), (d), and (e)

5. Retention of Authority. The Commission retains all of the authority under the interim regulation that is not delegated to the Committee by this order. In particular, the Commission will select those proceedings in which to solicit applications for funding; approve the Federal Register document which notifies the public of those proceedings; and set the deadline for receipt of applications (sections 1050.6(a)(1) and (2)). Further, the Commission specifically retains the authority to establish a limit on the total amount of financial compensation to be made to all participants in a particular proceeding and to establish a limit on the total amount of compensation to be made to any one participant in a particular proceeding (section 1050.7(a)). Such limitations must be established before the Committee authorizes any funding in a particular proceeding.

6. Redelegation. The authority delegated to the Financial Compensation Selection Committee in this order may not be redelegated.

7. Effective date. This delegation shall become effective on December 11, 1978.

Susan B. King Chairman Susan B. King

Barbara H. Franklin Commissioner Barbara H. Franklin

R. David Pittle Commissioner R. David Pittle

DISSENTING:

Edith B. Sloan Commissioner Edith B. Sloan

NOT VOTING:

Samuel Zagoria Commissioner Samuel Zagoria

[6355-01-M]

**CONSUMER PRODUCT SAFETY
COMMISSION**

FINANCIAL COMPENSATION OF PARTICIPANTS IN INFORMAL RULEMAKING PROCEEDINGS

Delegation of Authority

AGENCY: Consumer Product Safety Commission.

ACTION: Delegation of authority.

SUMMARY: Under an interim regulation, the Commission will be administering a temporary program of financial compensation for participants in its informal rulemaking proceedings. The Commission has delegated to a special selection committee the authority to decide who will receive such funding. The Commission has retained the authority to decide in which informal proceedings it will solicit applications for funding.

DATES: The delegation of authority became effective on December 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Catherine Bolger, Office of Public Participation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (202) 254-6241.

SUPPLEMENTARY INFORMATION: On May 31, 1978 the Commission issued an interim regulation concerning the financial compensation of participants in the Commission's informal rulemaking proceedings (16 CFR Part 1050, 43 FR 23560-64). This regulation contains the policies and procedures for the Commission's temporary financial compensation program.

Under the regulation the Commission selects certain proceedings in which to solicit applications for funding. The Commission then authorizes funding for certain participants, all of whom must meet the criteria included in the regulation.

The Commission has recently delegated some of its authority over the financial compensation temporary program. A special Financial Compensation Selection Committee—comprised of the General Counsel, the Executive Director, and the Secretary of the Commission—will select the participants and the amount of funding they will be authorized to receive. The Commission has not delegated its authority for selection of proceedings.

The delegation document, fully reprinted below, details the authority delegated to the special selection committee and the authority retained by the Commission. It will remain in effect until the Commission changes it.

DELEGATION OF AUTHORITY FOR FUNDING SELECTED PARTICIPANTS IN INFORMAL RULEMAKING PROCEEDINGS

1. *Purpose.* The purpose of this order is to delegate the Commission's authority to decide which participants in informal rulemaking proceedings will be authorized to receive financial compensation from the Commission.

2. *Scope.* The provisions of this order apply to the Financial Compensation Selection Committee.

3. *References.* Section 27(b)(9) of the Consumer Product Safety Act (15 U.S.C. 2076(b)(9)).

4. *Delegation of authority.* In an interim regulation (16 CFR Part 1050) the Commission has issued its policies and procedures for providing financial compensation to selected participants in its informal rulemaking proceedings. In this order the Commission is delegating some of the authority it has under that regulation to a Financial Compensation Selection Committee. Unless and until superseded by subsequent order, this authority is delegated as follows:

(a) The General Counsel, the Executive Director, and the Secretary of the Commission will be members of a Financial Compensation Selection Committee ("Committee"). If any or all of these positions are vacant, whoever is filling the position(s) on an acting basis will be a member of the Committee. Whenever a member is unable to function on the Committee, he or she may designate a subordinate to serve temporarily as a member of the Committee.

(b) While serving on the Committee, all members will follow the applicable provisions of the interim regulation and their own judgments. Although the members normally report to the Chairman of the Commission and serve all the Commissioners, they will make all Committee decisions independent of any instructions or recommendations from the chairman or Commissioners.

(c) All actions of the Committee must be supported by at least two members.

(d) The committee will evaluate all applications (including late applications, described in § 1050.6(a)(4), to the extent practicable) for financial compensation in informal rulemaking proceedings and will authorize funding for selected participants who meet the criteria of § 1050.4(b). The Committee will then notify participants whether they have or have not been authorized funding, in accordance with §§ 1050.6(a)(3) and 1050.6(b).

(e) The amounts of funding authorized will be in accordance with § 1050.7(b), (d), and (e).

5. *Retention of authority.* The Commission retains all of the authority under the interim regulation that is not delegated to the Committee by this order. In particular, the Commission will select those proceedings in which to solicit applications for funding; approve the FEDERAL REGISTER document which notifies the public of those proceedings; and set the deadline for receipt of applications (§ 1050.6(a) (1) and (2)). Further, the Commission specifically retains the authority to establish a limit on the total amount of financial compensation to be made to all participants in a particular proceeding and to establish a limit on the total amount of compensation to be made to any one participant in a particular proceeding (§ 1050.7(a)). Such limitations must be established before the Committee authorizes any funding in a particular proceeding.

6. *Redelegation.* The authority delegated to the Financial Compensation Selection Committee in this order may not be redelegated.

7. *Effective date.* This delegation shall become effective on December 11, 1978.

SUSAN B. KING,

Chairman.

BARBARA H. FRANKLIN,

Commissioner.

R. DAVID PITTLE,

Commissioner.

Dissenting:

EDITH B. SLOAN,

Commissioner.

Not voting:

SAMUEL ZAGORIA,

Commissioner.

Dated: December, 1978.

SADYE E. DUNN,
*Secretary, Consumer
Product Safety Commission.*

(FR Doc. 78-36271 Filed 12-28-78; 8:45 am)