



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

June 6, 1984

Third Floor Hearing Room  
1111 - 18th Street, N.W.  
Washington, D.C.

The June 6, 1984, meeting of the U.S. Consumer Product Safety Commission was convened in open session by Chairman Nancy Harvey Steorts. Commissioners Terrence Scanlon and Stuart M. Statler were present. Commissioner Sandra Brown Armstrong joined the meeting in progress.

Agenda Matters.

1. Freedom of Information Act Regulations: Proposed Amendments

The staff briefed the Commission on a proposal to amend and reorganize the Commission's regulation at 16 CFR Part 1015, for production of documents under the Freedom of Information Act (FOIA). The proposed amendments and reorganization would update and increase the fees charged for document searches and add certain new procedures concerning the payment of fees, and would clarify and reorganize the procedures for releasing and withholding documents. Additionally, they would incorporate the 1981 amendments to Section 6, CPSA, and establish procedures in accordance with the statutory amendments. As drafted, the proposed amendments would not change the basic philosophy of disclosing documents and would not eliminate or reduce the existing basic fee waiver of \$25.00. The major portion of today's briefing centered on discussion and questions concerning whether to retain or reduce the \$25.00 fee waiver. The Commission is scheduled to vote on the proposed amendments at its next meeting on June 13, 1984.

Closed to the Public

Meeting then in closed session, the Commission considered two FOIA appeals.

2. FOIA Appeal OS #5786

The Commission considered an appeal by McCulloch Corporation of the FOIA Officer's decision to withhold certain information concerning chain saws (FOIA requests #S305041 and #S305075). McCulloch also appealed the FOIA Officer's decision not to proceed with a search for certain documents without agreement by McCulloch to pay search and copying fees (FOIA request #S305074). Following discussion, the Commission voted unanimously (4-0) to deny the

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appeal as to the information withheld in FOIA requests #S305041 and #S305075. The Commission also decided by unanimous vote (4-0) that there had been no denial of access to documents in FOIA request #S305074, and, therefore, to dismiss this appeal.

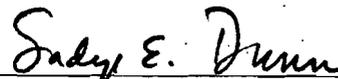
3. FOIA Appeal OS #5379

The Commission considered an appeal by Jean Hay, Bangor (Maine) Daily News, of the FOIA Officer's decision to withhold information concerning a CPSC investigation under Section 15(b) of the CPSA. In this case, the staff had treated the information as having been submitted by the manufacturer pursuant to Section 15(b), and the Commission has neither issued a complaint nor accepted in writing a remedial settlement agreement, and the manufacturer has objected to disclosure. (Section 6(b)(5), CPSA.)

Following discussion centered primarily around the application of Section 6(b)(5) of the Consumer Product Safety Act to the withheld information, the Commission brought the FOIA appeal matter to a vote. Commissioner Scanlon voted to affirm the FOIA Officer's decision to withhold the information treated as submitted under Section 15(b) of the CPSA. Commissioner Armstrong and Commissioner Statler voted to reverse the FOIA Officer's withholding decision and to further process the withheld information under Sections 6(a) and 6(b), CPSA. Chairman Steorts did not vote at the meeting, but filed a written vote on June 13, 1984, voting to affirm the FOIA Officer's decision to withhold the information. The vote of the Commission is, therefore, 2-2, and lacking a majority to affirm or reverse, the initial decision of the FOIA Officer to withhold stands.

There being no further business on the agenda, Chairman Steorts adjourned the meeting.

For the Commission:



Sadye E. Dunn  
Secretary