

Federal Register

Friday
November 29, 1996

Part XLVI

**Consumer Product
Safety Commission**

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish, twice each year, a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, Executive Order 12866 requires each agency to publish an agenda of regulatory actions expected to be under development or review by the agency during the next year and provides that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by December 31, 1996.

ADDRESSES: Comments on the regulatory flexibility agenda should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, or delivered to the Office of

the Secretary, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Comments should be captioned "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauning, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0980. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities. Additionally, Executive Order 12866 requires each

agency to publish, twice each year, a regulatory agenda of regulations under development or review during the next year and states that such an agenda may be combined with the agenda published in accordance with the RFA.

The regulatory flexibility agenda published below lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts identified have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Consumer Product Safety Commission Regulatory Plan

For this edition of the Commission's regulatory agenda, the regulatory actions selected by the Commission for inclusion in The Regulatory Plan appear in Part II of this issue of the Federal Register. The Regulatory Plan entries are listed in the Table of Contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate Sequence Number in Part II.

Dated: September 25, 1996.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4386	Petition HP 95-1 Requesting Development of a Safety Standard for Protective Batting Helmets	3041-AB43
4387	Petition HP 93-1 Requesting Development of a Rule To Ban Certain Back Yard Play Sets	3041-AB47
4388	Requirements for Child-Resistant Packaging of Ketoprofen	3041-AB55
4389	Requirements for Child-Resistant Packaging of Household Products Containing Petroleum Distillates	3041-AB57
4390	Petition CP 96-1 Requesting Amendment of the Safety Standard for Cigarette Lighters	3041-AB65

CPSC**Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
4391	Flammability Standard for Upholstered Furniture (Reg Plan Seq. No. 161)	3041-AB35
4392	Safety Standard for Bicycle Helmets (Reg Plan Seq. No. 162)	3041-AB42

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4393	Amendment of Regulation Applicable to Fuse-Burn Time of Fireworks	3041-AB63

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4394	Baby Walkers	3041-AB40
4395	Requirements for Child-Resistant Packaging of Household Products Containing Ammonia	3041-AB56

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4396	Labeling Requirements for Packages of Charcoal	3041-AB16
4397	Amendment of Flammability Standards for Children's Sleepwear	3041-AB27
4398	Petition HP 95-3 Requesting Rule To Ban Sulfuric Acid Drain Cleaners	3041-AB53
4399	Petition HP 96-1 Requesting Amendment of Regulations Applicable to Fuse-Burn Time of Fireworks	3041-AB58
4400	Consolidation of Rules Applicable to Export or Noncomplying Products	3041-AB64

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**Prerule Stage****4386. PETITION HP 95-1 REQUESTING DEVELOPMENT OF A SAFETY STANDARD FOR PROTECTIVE BATTING HELMETS**

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e)
Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 16 CFR 00

Legal Deadline: None

Abstract: A petition from the American Academy of Facial Plastic and Reconstructive Surgery requests the Commission to develop a safety standard for protective batting helmets intended for children younger than 15 years of age. The standard requested by

the petition would require all protective batting helmets subject to its provisions to be manufactured with a face guard that conforms to Standard F 910 published by ASTM (formerly the American Society for Testing and Materials). On November 1, 1994, the Commission published a notice in the Federal Register inviting comments on the petition from interested parties. On July 14, 1995, the Commission voted to defer a decision on the petition until additional information became available through a study undertaken by the Commission staff about circumstances surrounding facial injuries associated with baseball and softball. In May 1996, the Commission published the results of the staff study of baseball-related injuries and

protective equipment. In the Federal Register of August 6, 1996, the Commission published a notice inviting comments on the petition and that part of the study concerned with facial injuries and batting helmets with face guards. A decision by the Commission to grant or deny the petition is anticipated in December 1996.

Timetable:

Action	Date	FR Cite
Notice to Solicit Comments	11/01/94	59 FR 54548
Comment Period End	01/03/95	
Notice to Solicit Comments on Injury Report and Petition	08/06/96	61 FR 40822
Comment Period End	09/20/96	
Commission Decision	12/00/96	

CPSC

Prerule Stage

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Kyle, Project Manager, Consumer Product Safety Commission, Dir. for Epidemiology & Health Sciences, Washington, DC 20207 Phone: 301 504-0470

RIN: 3041-AB43

4387. PETITION HP 93-1 REQUESTING DEVELOPMENT OF A RULE TO BAN CERTAIN BACK YARD PLAY SETS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act

CFR Citation: None

Legal Deadline: None

Abstract: A petition from the New York City Department of Consumer Affairs requests the Commission to develop a rule to ban certain back yard play sets. The petition asserts that back yard play sets present unreasonable risks of injury to children if they do not meet the requirements of a voluntary standard for home playground equipment published by ASTM (formerly the American Society for Testing and Materials); are not accompanied with adequate information about ground surfacing; or lack specific features described in the petition. On May 21, 1996, the Commission denied those parts of the petition requesting issuance of a rule to ban any back yard play set which does not conform to all requirements of the ASTM voluntary standard; which has an accessible height that exceeds six feet above protective surfacing; which does not have adequate fall zones under climbing structures; or which does not provide adequate space between any item of swinging equipment and any other item of swinging or stationary equipment. In November 1996, the staff is scheduled to transmit additional information to the Commission concerning revisions of the voluntary standard now being considered by ASTM. The Commission will then decide whether to grant or deny the remaining requests in the petition.

Timetable:

Action	Date	FR Cite
Partial Denial of Petition	05/21/96	
Staff Sends Additional Information to Commission	11/00/96	
Commission Decision	12/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Preston, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207 Phone: 301 504-0494

RIN: 3041-AB47

4388. REQUIREMENTS FOR CHILD-RESISTANT PACKAGING OF KETOPROFEN

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: A regulation issued under the Poison Prevention Packaging Act (PPPA) and codified at 16 CFR 1700.14(a)(10) requires that most prescription drugs in oral dosage form must be in child-resistant packaging. Until recently, Ketoprofen, a nonsteroidal anti-inflammatory drug was available only by prescription. In 1995, the Food and Drug Administration reclassified Ketoprofen to allow its sale as a non-prescription drug. Because Ketoprofen is no longer a prescription drug, it is not subject to the requirements of 16 CFR 1700.14(a)(10) for child-resistant packaging. The staff is scheduled to transmit a briefing package in October 1996, for consideration by the Commission when deciding whether to propose a rule under the PPPA to require child-resistant packaging of Ketoprofen.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	10/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Ferrante, Project Manager, Consumer Product Safety Commission, Dir. for Epidemiology & Health Sciences, Washington, DC Phone: 301 504-0477

RIN: 3041-AB55

4389. REQUIREMENTS FOR CHILD-RESISTANT PACKAGING OF HOUSEHOLD PRODUCTS CONTAINING PETROLEUM DISTILLATES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14(a)

Legal Deadline: None

Abstract: Some household products containing ten per cent or more by weight of petroleum distillates are subject to requirements for child-resistant packaging by regulations issued under the Poison Prevention Packaging Act and codified at 16 CFR 1700.14(a). These products include liquid furniture polish (section 1700.14(a)(2)), lighter fluid (section 1700.14(a)(7)), and prepackaged solvents for paint (section 1700.14(a)(15)). However, many other household products containing petroleum distillates are not required to be in child-resistant packaging. The Commission staff is evaluating whether child-resistant packaging should be required for some or all household products containing petroleum distillates which are not currently subject to requirements for such packaging. In November 1996, the staff is scheduled to transmit a briefing package to the Commission with a draft of an advance notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	11/00/96	
Commission Decision	12/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

CPSC

Prerule Stage

Agency Contact: Suzanne Barone, Project Manager, Consumer Product Safety Commission, Dir. for Epidemiology & Health Sciences, Washington, DC
Phone: 301 504-0477
RIN: 3041-AB57

Legal Deadline: None
Abstract: A petition from Judy L. Carr requests the Commission to amend the Safety Standard for Cigarette Lighters, 16 CFR part 1210, to include multi-purpose lighters within the scope of that standard. The cigarette lighter standard requires lighters subject to its provisions to have a child-resistant mechanism to prevent operation by most children younger than five years of age. That standard applies to disposable and novelty lighters used to ignite cigarettes, cigars, and pipes. The standard does not apply to multi-purpose lighters used to ignite fuel for fireplaces or charcoal or gas-fueled grills. The petition asserts that serious burn injuries have resulted from fires started by multi-purpose lighters which were operated by young children. The

staff is preparing a briefing package for consideration by the Commission on whether to grant or deny the petition.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	11/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barbara Jacobson, Project Manager, Consumer Product Safety Commission, Directorate for Epidemiology and Health, Sciences, Washington, DC 20207
Phone: 301 504-0477

RIN: 3041-AB65

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

4391. FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE
Regulatory Plan: This entry is Seq. No. 161 in Part II of this issue of the Federal Register.
RIN: 3041-AB35

4392. SAFETY STANDARD FOR BICYCLE HELMETS
Regulatory Plan: This entry is Seq. No. 162 in Part II of this issue of the Federal Register.
RIN: 3041-AB42

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Final Rule Stage

4393. ● AMENDMENT OF REGULATION APPLICABLE TO FUSE-BURN TIME OF FIREWORKS
Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.
Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 2079(d) Consumer Product Safety Act; 21 USC 371(3) Federal Food, Drug and Cosmetic Act
CFR Citation: 16 CFR 1507.3(A)(3)
Legal Deadline: None
Abstract: On August 7, 1996, the Commission published a notice of proposed rulemaking to begin a proceeding for amendment of a regulation codified at 16 CFR 1507.3(a)(3), which requires fireworks

devices to have a fuse which burns at least three seconds and not more than six seconds. The proposed amendment would extend the maximum allowable fuse-burn time to nine seconds. The Commission proposed this amendment after granting a petition from the American Fireworks Standards Laboratory. The Commission proposes to amend the regulation after considering information which suggests that increasing the maximum fuse-burn time to nine seconds (i) will have safety benefits by enabling manufacturers to more consistently comply with the minimum fuse-burn time of three seconds, and (ii) will not create any additional risk of injury to consumers. The Commission solicits written comments on the proposed amendment through October 21, 1996.

Timetable:

Action	Date	FR Cite
NPRM	08/07/96	61 FR 41043
NPRM Comment Period End	10/21/96	
Staff Sends Briefing Package to Commission	12/00/96	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carolyn Meiers, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207
Phone: 301 504-0468

RIN: 3041-AB63

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Long-Term Actions

4394. BABY WALKERS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500

Legal Deadline: None

Abstract: On August 2, 1994, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding which may result in the issuance of mandatory design or performance requirements for baby walkers. A baby walker is a device that supports a child so that the child can use his or her feet to move about before or while learning to walk. Typically, a baby walker consists of a fabric seat which has leg openings and is mounted to a rigid plastic deck. The deck is attached to a base which usually is mounted on wheels to allow mobility. In 1994, an estimated 25,500 children younger than 15 months of age were treated in emergency rooms for injuries associated with baby walkers. The majority of these injuries resulted from falls down stairs or steps. Among the regulatory options under consideration by the Commission are mandatory performance or design requirements to reduce risks of injury associated with baby walkers, particularly those resulting to children from falls down

stairs. The staff will send additional information to the Commission concerning voluntary action to be taken by manufacturers of baby walkers to address risks of injury to children from falls down stairs associated with baby walkers, together with options for Commission action, including withdrawal of the ANPRM and further regulatory proceedings.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/94	59 FR 39309
ANPRM Comment Period End	10/03/94	
Staff Sends Briefing Package to the Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barbara Jacobson, Project Manager, Consumer Product Safety Commission, Dir. for Epidemiology & Health Sciences, Washington, DC 20207
Phone: 301 504-0477

RIN: 3041-AB40

4395. REQUIREMENTS FOR CHILD-RESISTANT PACKAGING OF HOUSEHOLD PRODUCTS CONTAINING AMMONIA

Priority: Substantive, Nonsignificant
Legal Authority: 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: Ammonia has both irritant and corrosive properties. Some household products containing ammonia are subject to requirements for cautionary labeling by the Federal Hazardous Substances Act. The staff is preparing a briefing package on the issue of whether household products containing ammonia should be subject to requirements for child-resistant packaging under the Poison Prevention Packaging Act. The staff is gathering information about marketing of products containing ammonia and injuries associated with those products for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Ferrante, Project Manager, Consumer Product Safety Commission, Dir. for Epidemiology & Health Sciences, Washington, DC
Phone: 301 504-0477

RIN: 3041-AB56

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

4396. LABELING REQUIREMENTS FOR PACKAGES OF CHARCOAL

Priority: Info./Admin./Other

CFR Citation: 16 CFR 1500

Completed:

Reason	Date	FR Cite
Final Action	05/03/96	61 FR 19818
Final Action Effective	11/03/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Toro
Phone: 301 504-0400

RIN: 3041-AB16

4397. AMENDMENT OF FLAMMABILITY STANDARDS FOR CHILDREN'S SLEEPWEAR

Priority: Substantive, Nonsignificant

CFR Citation: 16 CFR 1615; 16 CFR 1616

Completed:

Reason	Date	FR Cite
Final Action	09/09/96	61 FR 47634
Final Action Effective	01/01/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Fairall
Phone: 301 504-0400

RIN: 3041-AB27

4398. PETITION HP 95-3 REQUESTING RULE TO BAN SULFURIC ACID DRAIN CLEANERS

Priority: Substantive, Nonsignificant

CFR Citation: 16 CFR 1500

Completed:

Reason	Date	FR Cite
Final Action Petition Denied	08/13/96	
Final Action Effective	08/13/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzanne Barone
Phone: 301 504-0468

RIN: 3041-AB53

CPSC

Completed Actions

4399. PETITION HP 96-1 REQUESTING AMENDMENT OF REGULATIONS APPLICABLE TO FUSE-BURN TIME OF FIREWORKS

Priority: Substantive, Nonsignificant
CFR Citation: 16 CFR 1507.3(a)(3)
Completed:

Reason	Date	FR Cite
Final Action Petition Granted	07/02/96	
Final Action Effective	07/02/96	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Carolyn Meiers
 Phone: 301 504-0468
RIN: 3041-AB58

4400. • CONSOLIDATION OF RULES APPLICABLE TO EXPORT OR NONCOMPLYING PRODUCTS

Priority: Info./Admin./Other
Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.
Legal Authority: 15 USC 1194 Flammable Fabrics Act; 15 USC 1202 Flammable Fabrics Act; 15 USC 1263 Federal Hazardous Substances Act; 15 USC 1264 Federal Hazardous Substances Act; 15 USC 1273 Federal Hazardous Substances Act; 15 USC 2067 Consumer Product Safety Act; 15 USC 2068 Consumer Product Safety Act
CFR Citation: 16 CFR 1010; 16 CFR 1019
Legal Deadline: None
Abstract: On June 12, 1996, the Commission published a rule to combine into one part of the Code of Federal Regulations two separate parts which apply to export of products which fail to comply with an applicable statute, standard, or regulation. Regulations governing Procedures for Export of Noncomplying, Misbranded, or Banned Products, previously codified at 16 CFR part 1019, are recodified as 16 CFR part 1019, subpart A. A separate Statement of Policy Concerning Export of

Noncomplying, Misbranded, or Banned Products, previously codified at 16 CFR part 1010, is recodified as 16 CFR part 1019, subpart B. The Commission combined the regulation and policy statement for the convenience of persons and firms interested in the export of noncomplying products. The substantive provisions of the regulation and policy statement are unchanged

Timetable:

Action	Date	FR Cite
Final Action	06/12/96	61 FR 29646
Final Action Effective	06/12/96	

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Dennis C. Kacoyanis, Trial Attorney, Consumer Product Safety Commission, Division of Administrative Litigation, Washington, DC 20207
 Phone: 301 504-0626

RIN: 3041-AB64
 [FR Doc. 96-25328 Filed 11-27-96; 8:45 am]
BILLING CODE 6355-01-F