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Part XLVIII

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: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

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 June 30, 2002.

ADDRESSES: Comments on the regulatory flexibility agenda should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001; telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, MD 20814-4423. Comments should be captioned "Regulatory Flexibility Agenda." Comments may also be filed

by telefacsimile to (301) 504-0127, or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Stephen Lemberg, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207-0001, telephone (301) 504-0980, ext. 2218. 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 that 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 is also required to 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. This agenda also includes regulatory activities that have been completed by the Commission prior to publication. 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 have the same address: Consumer Product Safety Commission, Washington, DC 20207-0001.

Dated: March 15, 2002.
Todd Stevenson,
Secretary, Consumer Product Safety Commission.

Consumer Product Safety Commission—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3642	Amendment of the Standard for the Flammability of Clothing Textiles	3041-AB68
3643	Petition HP 99-1 for a Ban of Polyvinyl Chloride in Toys and Other Products Intended for Children 5 Years of Age and Under	3041-AB79
3644	Petition HP 00-2 Requesting a Rule Declaring Natural Rubber Latex a Strong Sensitizer	3041-AB88
3645	Petition HP 01-1 Requesting Development of Performance Standard for Bicycle Handlebars	3041-AB94
3646	Petition HP 01-03 Requesting a Ban on Use of Chromated-Cooper-Arsenate (CCA) Treated Wood in Playground Equipment	3041-AB97
3647	Petition CP 01-01 Requesting Rule Requiring Product Registration Cards for Products Intended for Children	3041-AB98

CPSC

Consumer Product Safety Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3648	Flammability Standard for Upholstered Furniture	3041-AB35
3649	Baby Walkers	3041-AB40
3650	Amendment of Safety Regulations for Cribs	3041-AB67
3651	Portable Bed Rails	3041-AB91
3652	Proposed Rule Exempting Certain Model Rocket Propellant Devices For Use With Lightweight Surface Vehicles ...	3041-AC00
3653	Proposed Rule on Baby Bath Seats	3041-AC03
3654	Rulemaking to Exempt Hormone Replacement Therapy Products From Special Packaging Requirements	3041-AC04
3655	Test Method for Determining Applicability of Cautionary Labeling and Child-Resistant Packaging to Hydrocarbon-Containing Products in Spray Packaging	3041-AC05

Consumer Product Safety Commission—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3656	Proposed Ban of Candles with Lead-Containing Wicks and Wicks Sold for Candle-Making that Contain Lead	3041-AB96

Consumer Product Safety Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3657	Petition CP 02-01 Requesting Rule Adopting ASTM F400, Safety Standard For Lighters as a Consumer Product Safety Standard	3041-AC01
3658	Proposed Standard to Address Open Flame Ignition of Mattresses/Bedding	3041-AC02
3659	Standards of Conduct for Outside Attorneys Practicing Before the Consumer Product Safety Commission	3041-AC06

Consumer Product Safety Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
3660	Petition HP 93-1 Requesting Development of a Rule To Ban Certain Backyard Playsets	3041-AB47
3661	Petition FP 99-1 Requesting Labeling Rule for Polyurethane Foam in Upholstered Furniture	3041-AB81
3662	Petitions FP 00-1, FP 00-2, FP 00-3, and FP 00-4 Requesting Requirements for Flammability of Mattresses	3041-AB89
3663	Petition CP 00-1 Requesting Performance Requirements for Non-Wood Baseball Bats	3041-AB90
3664	Petition HP 00-4 Requesting a Rule Banning Baby Bath Seats	3041-AB93
3665	Petition HP 01-02 Requesting Exemption for Model Rocket Propellant Devices Used With Ground Vehicles	3041-AB95

Consumer Product Safety Commission (CPSC)

Prerule Stage

3642. AMENDMENT OF THE STANDARD FOR THE FLAMMABILITY OF CLOTHING TEXTILES

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

Legal Authority: 15 USC 1191, Flammable Fabrics Act

CFR Citation: 16 CFR 1610

Legal Deadline: None

Abstract: The Standard for the Flammability of Clothing Textiles prohibits the manufacture, importation, or sale of clothing, and fabrics and related materials intended for use in clothing, which are dangerously flammable because of rapid and intense burning. The standard prescribes the apparatus, procedure, and criteria to be used for testing to determine compliance with that standard. The

standard was made mandatory by the Flammable Fabrics Act of 1953 (Pub. L. 83-88, 67 Stat. 111; June 30, 1953). Some of the equipment and procedures specified by the standard, particularly those for laundering and cleaning of test specimens, have become obsolete, unavailable, or unrepresentative of current practices. The staff is preparing a briefing package describing modifications of the standard that may

CPSC

Prerule Stage

be needed to assure that the test in the standard is conducted with equipment and procedures representative of conditions to which garments currently are exposed. After consideration of the briefing package, the Commission will decide whether to begin a proceeding for amendment of the standard.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	04/00/02	
Commission Decision	05/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Margaret L. Neily, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-0508

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RIN: 3041-AB68

3643. PETITION HP 99-1 FOR A BAN OF POLYVINYL CHLORIDE IN TOYS AND OTHER PRODUCTS INTENDED FOR CHILDREN 5 YEARS OF AGE AND UNDER

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1261 to 1278, Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500

Legal Deadline: None

Abstract: The National Environmental Trust and 11 other organizations petitioned the Commission to ban polyvinyl chloride (PVC) in toys and other articles intended for the use of children 5 years and under, based upon concerns they have about the potential for health risks from phthalates (especially diisononyl phthalate (DINP)), lead, and cadmium that can be in PVC. A Federal Register notice was issued on December 22, 1998, requesting comment on the petition. Comments were received.

The Commission established a Chronic Hazard Advisory Panel (CHAP) of independent scientists to study issues related to the chronic toxicity and risk, including the risk of cancer, associated with exposure to DINP in children's

PVC products. The CHAP submitted its report to the Commission on June 15, 2001. The Commission has completed an extensive exposure study to obtain a broader range of data from which to better define the amount of time children mouth products that could contain phthalates. The staff will send a briefing package to the Commission in spring 2002. The Commission will then decide whether to grant, deny, or defer the petition.

Timetable:

Action	Date	FR Cite
Notice Advising of Receipt of Petition	12/22/98	63 FR 70756
Initiated Formation of CHAP	02/16/99	
Comment Period End	02/22/99	
Awarded Contract for Child Observation Study	09/30/99	
First Meeting of CHAP	05/10/00	
Second Meeting of CHAP	06/20/00	
Third Meeting of CHAP	09/12/00	
CHAP Sent Report to Commission	06/15/01	
Staff Sends Briefing Package to Commission	05/00/02	
Commission Decision	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Marilyn L. Wind Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207

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Email: mwind@cpsc.gov

RIN: 3041-AB79

3644. PETITION HP 00-2 REQUESTING A RULE DECLARING NATURAL RUBBER LATEX A STRONG SENSITIZER

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: Not Yet Determined

Legal Deadline: None

Abstract: A petition from Debi Adkins, Editor, Latex Allergy News, requests that the Commission issue a rule declaring that natural rubber latex (NRL) and products containing NRL are strong sensitizers under the Federal Hazardous Substances Act (FHSA) and requiring labeling. NRL is in such consumer products as gloves, adhesives, shoes, balloons, pacifiers, and carpet backing, as well as many medical products. The petitioner states that a portion of the population has developed an allergy to latex that can be debilitating, even causing death. On March 21, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. On May 24, 2000, at the request of several persons, the Commission published a notice extending the original due date for comments of May 22, 2000 for 30 days to June 21, 2000. Eighty-four comments were received. The staff will prepare a briefing package for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Petition Docketed	03/02/00	
Notice	03/21/00	65 FR 15133
Comment Period End	05/22/00	
Comment Period Extended	05/24/00	65 FR 33525
Comment Period End	06/21/00	
Staff Sends Briefing Package to Commission	05/00/02	
Commission Decision	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Suzanne Barone Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207

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RIN: 3041-AB88

3645. PETITION HP 01-1 REQUESTING DEVELOPMENT OF PERFORMANCE STANDARD FOR BICYCLE HANDLEBARS

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

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC

CPSC

Prerule Stage

1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from Flaura Koplin Winston, M.D., Ph.D., Director, Trauma Link: The Interdisciplinary Pediatric Injury Control Research Center, Children's Hospital of Philadelphia, requests that the Commission develop a performance standard for bicycle handlebars regarding energy dissipation and distribution during impact. The request was docketed as a petition on January 23, 2001. A notice requesting comment on the petition was published in the Federal Register on February 14, 2001. The initial comment period closed on April 16, 2001. The comment period was extended to May 16, 2001. The staff will prepare a briefing package for Commission consideration as to whether to grant, deny, or defer the petition.

Timetable:

Action	Date	FR Cite
Petition Docketed	01/23/01	
Notice	02/14/01	66 FR 10273
Comment Period End	04/16/01	
Notice	04/16/01	66 FR 19429
Comment Period End	05/16/01	
Staff Sends Briefing Package to Commission	06/00/02	
Commission Decision	07/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Barbara J. Jacobson, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207
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RIN: 3041-AB94

**3646. PETITION HP 01-03
REQUESTING A BAN ON USE OF
CHROMATED-COOPER-ARSENATE
(CCA) TREATED WOOD IN
PLAYGROUND EQUIPMENT**

Priority: Economically Significant.
Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1262, Federal Hazardous Substance Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the Environmental Working Group and Healthy Building Network, docketed June 20, 2001, requests that the Commission enact an immediate ban on the use of chromated copper arsenate (CCA) treated wood in playground equipment. This treatment is used as a pesticide in the wood. The petitioners assert that a ban is necessary because recent research has shown that arsenic is more carcinogenic than was previously recognized, and is present at significant concentrations on CCA treated wood and in underlying soil. They further assert that the health risks posed by this wood are greater than was previously recognized, and that past risk assessments were incomplete. On July 13, 2001, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The 60-day comment period ended on September 11, 2001. The petitioners also requested that the Commission review the safety of CCA treated wood for general use. Such a review would not require rulemaking to implement, therefore, the request was not docketed. On September 20, 2001, the Commission and the USEPA jointly published a notice in the Federal Register to solicit comments on protocols for field sampling of wood playground equipment and underlying soil. The comment period ended on October 22, 2001. Commission staff is reviewing comments received on the petition and the protocols. The Conference report to accompany the Commission's FY 2002 appropriation directed the CPSC to submit a report to Congress on its work on CCA treated wood and steps taken to inform state and local governments of that work. The report was submitted to the appropriations committees of both houses of Congress on February 15, 2002.

Timetable:

Action	Date	FR Cite
Petition Docketed	06/20/01	
Notice on Petition	07/13/01	66 FR 36756
Comment Period End	09/11/01	
Notice on Protocols	09/20/01	66 FR 48428
Comment Period End	10/22/01	
Staff Sends Briefing Package to Commission	08/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Patricia Bittner, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207
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RIN: 3041-AB97

**3647. PETITION CP 01-01
REQUESTING RULE REQUIRING
PRODUCT REGISTRATION CARDS
FOR PRODUCTS INTENDED FOR
CHILDREN**

Priority: Economically Significant.
Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 2065(b), Consumer Product Safety Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the Consumer Federation of America requests that the Commission issue a rule requiring product registration cards with every product intended for children. The petitioner asks for a rule that would "require manufacturers (or distributors, retailers, or importers) of products intended for children provide along with every product a Consumer Safety Registration Card that allows the purchaser to register information, through the mail or electronically." This would enable a manufacturer to contact the purchaser if the product were recalled or otherwise presented a safety hazard. On August 1, 2001, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The comment period closed on October 1, 2001. The staff will prepare a briefing package for consideration by the Commission. The Commission has been considering how best to improve the effectiveness of recalls. That effort has included meetings on the use of credit card and electronic databases and will include additional meetings on measures of recall effectiveness and how best to improve the response and return rates of the recalls that the Commission conducts.

CPSC

Prerule Stage

Timetable:

Action	Date	FR Cite
Petition Docketed	07/10/01	
Notice	08/01/01	66 FR 39737
Comment Period End	10/01/01	
Staff Sends Briefing Package to the Commission	05/00/02	
Commission Decision	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Celestine T. Kiss, Project Manager, Consumer Product Safety Commission, Directorate for

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RIN: 3041-AB98

Consumer Product Safety Commission (CPSC)

Proposed Rule Stage

3648. FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 15 USC 1193, Flammable Fabrics Act

CFR Citation: 16 CFR 1640

Legal Deadline: None

Abstract: On June 15, 1994, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding for development of a flammability standard to address risks of death, injury, and property damage from fires associated with ignition of upholstered furniture by small open-flame sources such as matches, lighters, or candles. This ANPRM was issued after the Commission granted part of a petition requesting development of a mandatory flammability standard to address risks of injury from ignition of upholstered furniture by: (1) small open-flame sources; (2) large open-flame sources; and (3) cigarettes. The Commission voted to deny that part of the petition requesting development of a mandatory standard to address hazards associated with ignition of upholstered furniture by large open-flame sources. The Commission also voted to defer a decision on that part of the petition requesting development of a standard to address cigarette ignition, and directed the staff to report to the Commission on the effectiveness of, and the extent of industry compliance with, a voluntary program to reduce risks of ignition of upholstered furniture by cigarettes. The Commission staff developed a draft standard to address ignition of upholstered furniture by small open-flame sources.

In 1998, the Commission deferred action and held a public hearing to gather additional information on the

potential toxicity of flame-retardant chemicals that might be used to meet a standard. In CPSC's 1999 appropriations legislation, Congress directed the Commission to contract with the National Academy of Sciences (NAS) for an independent study of potential health hazards associated with the use of flame retardant chemicals that might be used in upholstered furniture fabrics to meet a CPSC standard. The final NAS report was published in July 2000. The report concluded that of 16 flame-retardant chemicals reviewed, 8 could be used in upholstered furniture fabrics without presenting health hazards to consumers.

A CPSC staff risk assessment concluded that a number of flame-retardant chemicals are available that would not present health risks to consumers, although additional data are needed for some other chemicals. The CPSC staff is also working with the National Institute of Occupational Safety and Health and the Environmental Protection Agency to evaluate possible impacts of flame-retardant chemical use on worker safety and the environment.

In 2001, the CPSC staff forwarded a briefing package to the Commission, and the Commission voted to hold a public meeting to present the direction of the staff's draft standard, to discuss supporting technical data, and to receive comments and recommendations from interested parties. The staff is also continuing to cooperate with industry representatives and voluntary standards organizations to develop possible voluntary alternatives to CPSC's regulatory action.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30735

Action	Date	FR Cite
ANPRM Comment Period End	08/15/94	
Staff Briefing of Commission on NPRM	12/18/97	
Commission Voted To Defer Action Pending Results of Toxicity Hearing	03/02/98	
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame Retardant Chemicals	03/17/98	63 FR 13017
NAS Study Completed (Required by Congress)	07/10/00	
Staff Sent Briefing Package to Commission	11/01/01	
Meeting Notice	03/20/02	67 FR 12916
Staff Holds Public Meeting	06/18/02	
Second Day of Public Meeting	06/19/02	
Staff Analysis of Information From Public Meeting	12/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 3041-AB35

3649. BABY WALKERS

Priority: Substantive, Nonsignificant

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

CPSC

Proposed Rule Stage

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 that 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 that has leg openings and is mounted to a rigid plastic deck. The deck is attached to a base that is mounted on wheels to allow mobility. In 1994, an estimated 25,500 children younger than 15 months of age were treated in hospital emergency rooms for injuries associated with baby walkers. The majority of these injuries resulted from falls down stairs. Among the 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.

In response to the Commission's work in this area, the industry published revisions to the voluntary standard for baby walkers in 1997 to address the hazard of falling down stairs. The ASTM International standard contains performance requirements to address risks of injury to children from falls down stairs associated with baby walkers. In 2000, baby walker injuries to children under 15 months of age had dropped to 7,400. The staff is currently assessing the extent of industry conformance with that voluntary standard, designated "Standard Consumer Safety Specification for Infant Walkers," SF 977-97, published by ASTM. The staff will send that information to the Commission together with options for Commission action, including withdrawal of the ANPRM or further regulatory proceedings.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/94	59 FR 39309
ANPRM Comment Period End	10/03/94	

Action	Date	FR Cite
Staff Provided Technical Recommendations to Revise Voluntary Standard	12/16/94	
Revised Voluntary Standard Approved	10/01/96	
Voluntary Certification Program Began	06/30/97	
Staff Completed Monitoring Conformance to Revised Voluntary Standard	05/31/00	
Staff Completed Special Study of Injury Data	09/29/00	
Staff Completed Testing of New Walker Designs	05/01/01	
Staff Sends Briefing Package to Commission	05/00/02	
Commission Decision	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Barbara J. Jacobson, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207
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RIN: 3041-AB40

3650. AMENDMENT OF SAFETY REGULATIONS FOR CRIBS

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

Legal Authority: 5 USC 553, Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: 16 CFR 1508; 16 CFR 1509

Legal Deadline: None

Abstract: On December 16, 1996, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding that may result in amendment of the safety regulations for full-size and non-full-size cribs, 16 CFR parts 1508 and 1509. Among the regulatory alternatives under consideration is amendment of the regulations to add tests to assure that slats will not disengage from the

side panels of cribs. The Commission began this proceeding after considering information about incidents in which crib slats disengaged from the side panels of cribs, creating a risk that children may become entrapped between the remaining slats or fall out of the crib. At the urging of CPSC staff, in April 1999, the voluntary standard for cribs designated, "Specification for Full Size Baby Cribs (ASTM F1169-99)," and published by ASTM International was revised to include performance requirements for crib slats. The Commission will consider written comments received in response to the ANPRM, and assess conformance with the voluntary standard before deciding whether to continue the proceeding by publication of a notice of proposed rulemaking (NPRM), or terminate further proceedings in reliance on the voluntary standard.

Timetable:

Action	Date	FR Cite
Staff Recommended Revisions to Voluntary Standard	09/30/96	
ANPRM	12/16/96	61 FR 65996
ANPRM Comment Period End	02/14/97	
Revisions to Voluntary Standard Approved	04/10/99	
Voluntary Certification Program Begins	03/01/00	
Staff Began Monitoring Conformance to Revised Voluntary Standard	03/27/01	
Staff Completed Monitoring Conformance	12/28/01	
Staff Sends Briefing Package to Commission	05/00/02	
Commission Decision	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Patricia Hackett, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207
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RIN: 3041-AB67

CPSC

Proposed Rule Stage

3651. PORTABLE BED RAILS

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

Legal Authority: 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Commission is considering whether certain portable bed rails present an unreasonable risk of injury that should be regulated. A portable bed rail is a device intended to be installed on an adult bed to prevent a child from falling out of the bed. Such bed rails may be constructed in a manner that children can become entrapped between the portable bed rail and the bed. This entrapment can result in serious injury or death. On October 30, 2001, the Commission decided to continue the rulemaking by issuing an NPRM.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	06/28/00	
Commission Decision	09/21/00	
ANPRM	10/03/00	65 FR 58968
ANPRM Comment Period End	12/04/00	
Staff Sends Briefing Package to Commission	10/01/01	
Commission Decision	10/30/01	
Staff Sends NPRM to Commission	06/00/02	
Commission Decision on NPRM	07/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Patricia L. Hackett, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207
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RIN: 3041-AB91

3652. • PROPOSED RULE EXEMPTING CERTAIN MODEL ROCKET PROPELLANT DEVICES FOR USE WITH LIGHTWEIGHT SURFACE VEHICLES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1261(q)(1), Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.83(a)(36); 16 CFR 1500.85(a)(14)

Legal Deadline: None

Abstract: A notice of proposed rulemaking (NPRM), published in the Federal Register on January 30, 2002, proposed to exempt from banning under the Federal Hazardous Act certain model rocket propellant devices for model rocket ground vehicles if they meet requirements similar to those presently required for flyable model rockets. The Commission voted to publish the NPRM and proceed with rulemaking after considering a petition filed by Centuri Corporation that requested an exemption covering two prototype model rocket cars. The Commission decided to grant the petition in part and issue a proposed rule exempting only model rocket propellant devices to be used with surface vehicles like the smaller prototype car. The staff will address public comments received in response to the NPRM and prepare a briefing package for the Commission to determine whether to issue a final rule.

Timetable:

Action	Date	FR Cite
NPRM	01/30/02	67 FR 4373
NPRM Comment Period End	04/15/02	
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Terrance R. Karels, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, Washington, DC 20207
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Related RIN: Related To 3041-AB95

RIN: 3041-AC00

3653. • PROPOSED RULE ON BABY BATH SEATS

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

Unfunded Mandates: Undetermined

Legal Authority: 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: An advance notice of proposed rulemaking (ANPRM), published in the Federal Register on August 1, 2001, requested comments on a rulemaking proceeding that could result in a mandatory rule addressing baby bath seats. These are consumer products used to hold an infant in a bathtub while the child is being bathed. The Commission voted to publish the ANPRM and proceed with rulemaking after considering the staff's analysis of available data and information provided provided by the petitioners, the Consumer Federation of America and other consumer groups who requested that the Commission ban baby bath seats and bath rings. The staff is addressing public comments received in reponse to the ANPRM and preparing a briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/01	66 FR 39692
ANPRM Comment Period End	10/01/01	
Staff Sends Briefing Package to Commission	09/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

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Related RIN: Related To 3041-AB93

RIN: 3041-AC03

CPSC

Proposed Rule Stage

3654. • RULEMAKING TO EXEMPT HORMONE REPLACEMENT THERAPY PRODUCTS FROM SPECIAL PACKAGING REQUIREMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1471, Poison Prevention Packaging Act**CFR Citation:** 16 CFR 1700.14(a)(10)**Legal Deadline:** None

Abstract: The Commission has proposed a rule to exempt hormone replacement therapy (HRT) products from the child-resistant packaging requirements of the Poison Prevention Packaging Act. HRT refers to the use of estrogen alone or estrogen and progestin to treat menopausal symptoms. The proposed exemption is based on the low acute toxicity of these products.

Timetable:

Action	Date	FR Cite
NPRM	02/19/02	67 FR 7319
NPRM Comment Period End	05/06/02	
Staff Sends Briefing Package to Commission	To Be	Determined

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

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RIN: 3041-AC04**3655. • TEST METHOD FOR DETERMINING APPLICABILITY OF CAUTIONARY LABELING AND CHILD-RESISTANT PACKAGING TO HYDROCARBON-CONTAINING PRODUCTS IN SPRAY PACKAGING**

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

Legal Authority: 15 USC 1471, Poison Prevention Packaging Act; 15 USC 1261(p), Federal Hazardous Substances Act

CFR Citation: Not Yet Determined**Legal Deadline:** None

Abstract: On January 3, 2000 CPSC issued a notice of proposed rulemaking under the Poison Prevention Packaging Act (PPPA) to require child-resistant packaging of prepackaged products that contain liquid hydrocarbons of low viscosity, including aerosol/trigger/pump packaged products (spray products) that expel product in a stream. The final rule issued on October 25, 2001 covered liquid hydrocarbon-containing products other than these spray products.

Under current CPSC guidance, special cautionary labeling under the Federal

Hazardous Substances Act (FHSA) would also be required for most hydrocarbon-containing spray products that expel product as a stream. The staff has now developed a quantitative test method to identify those hydrocarbon-containing spray products that pose an aspiration hazard. The staff is preparing a briefing package for the Commission's consideration that may recommend using this test method to determine applicability of the FHSA special cautionary labeling and PPPA child-resistant packaging requirements to spray products that expel product in a stream.

Timetable:

Action	Date	FR Cite
NPRM	01/03/00	
Staff Sends Briefing Package to Commission	06/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

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Related RIN: Related To 3041-AB57**RIN:** 3041-AC05

Consumer Product Safety Commission (CPSC)

Final Rule Stage

3656. PROPOSED BAN OF CANDLES WITH LEAD-CONTAINING WICKS AND WICKS SOLD FOR CANDLE-MAKING THAT CONTAIN LEAD

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

Legal Authority: 15 USC 1261, Federal Hazardous Substances Act**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: An advance notice of proposed rulemaking (ANPRM), published in the Federal Register on February 20, 2001, requested comments on a rulemaking proceeding that could result in a mandatory rule addressing the use of lead in candle wicks. The

Commission voted to publish the ANPRM and proceed with rulemaking after considering the staff's analysis of the available data on lead-cored candle wicks as well as information provided by the petitioners Public Citizen, National Apartment Association, and National Multi-Housing Council. The staff recommended that the Commission proceed with rulemaking to ban metal-cored wicks containing more than 0.06 percent lead by weight in the metal. The staff addressed public comments received in response to the ANPRM and prepared a briefing package for Commission consideration. On April 17, 2002, the Commission voted to issue a notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	02/20/01	66 FR 10863
ANPRM Comment Period End	04/23/01	
Staff Sent Briefing Package to Commission	03/20/02	
Commission Decision	04/17/02	
NPRM	04/24/02	67 FR 20062
NPRM Comment Period End	07/08/02	
Staff Sends Briefing Package to Commission	To Be	Determined

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

CPSC

Final Rule Stage

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RIN: 3041-AB96

Consumer Product Safety Commission (CPSC)

Long-Term Actions

**3657. • PETITION CP 02-01
REQUESTING RULE ADOPTING ASTM
F400, SAFETY STANDARD FOR
LIGHTERS AS A CONSUMER
PRODUCT SAFETY STANDARD**

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

Legal Authority: 5 USC 553(e),
Administrative Procedure Act; 15 USC
2058, Consumer Product Safety Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the Lighter Association, Inc. requests that the Commission issue a rule adopting an ASTM voluntary standard for lighters as a consumer product safety standard. The voluntary standard contains numerous safety requirements for cigarette lighters. On January 17, 2002, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The comment period closed on March 18, 2002. The staff is preparing a briefing package for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Petition Docketed	12/26/01	
Notice	01/17/02	67 FR 2420
Comment Period End	03/18/02	
Staff Sends Briefing Package to Commission	To Be	Determined

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected:
Undetermined

Federalism: Undetermined

Agency Contact: Barbara J. Jacobson,
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RIN: 3041-AC01

**3658. • PROPOSED STANDARD TO
ADDRESS OPEN FLAME IGNITION OF
MATTRESSES/BEDDING**

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1193,
Flammable Fabrics Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Commission published an advance notice of proposed rulemaking (ANPRM) in the Federal Register of October 11, 2001 that requested comments on a rulemaking proceeding that could result in a mandatory flammability standard addressing open flame ignition of mattresses/bedding. In 1995, the Commission staff began a project on mattress fires, and the ANPRM reflects information obtained from that research. The ANPRM also addresses two subsequently filed petitions from the Children's Coalition for Fire-Safe Mattresses, FP 00-1 and FP 00-2, requesting certain standards to address the open flame ignition hazard with mattresses/bedding. On October 2, 2001, the Commission voted to grant these two petitions and issue an ANPRM addressing this mattress flammability hazard. The staff will address public comments on the ANPRM and prepare a briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/01	66 FR 51886
ANPRM Comment Period End	12/10/01	
Staff Sends Briefing Package to Commission	To Be	Determined

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected:
Undetermined

Federalism: Undetermined

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Related RIN: Related To 3041-AB89

RIN: 3041-AC02

**3659. • STANDARDS OF CONDUCT
FOR OUTSIDE ATTORNEYS
PRACTICING BEFORE THE
CONSUMER PRODUCT SAFETY
COMMISSION**

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Commission has proposed to amend its regulations to add a new part addressing the behavior of attorneys on matters before the Commission. The behavior of attorneys who represent clients in Commission adjudicative proceedings is governed by separate regulations. The new part would cover attorney behavior in any matter before the Commission other than adjudication. It would also establish the procedure for addressing allegations against attorneys.

Timetable:

Action	Date	FR Cite
NPRM	11/06/00	65 FR 66515
NPRM Comment Period End	01/05/01	
Staff Sends Briefing Package to Commission	To Be	Determined

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

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RIN: 3041-AC06

Consumer Product Safety Commission (CPSC)

Completed Actions

3660. PETITION HP 93-1 REQUESTING DEVELOPMENT OF A RULE TO BAN CERTAIN BACKYARD PLAYSETS**Priority:** Substantive, Nonsignificant**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 backyard playsets. The petition asserts that backyard playsets present unreasonable risks of injury to children if they do not meet the requirements of a voluntary standard for home playground equipment published by the ASTM International; 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 backyard playset that does not conform to all requirements of the ASTM voluntary standard; that has an accessible height that exceeds six feet above protective surfacing; that does not have adequate fall zones under climbing structures; or that does not provide adequate space between any item of swinging equipment and any other item of swinging or stationary equipment. The Commission deferred a decision on those parts of the petition requesting a rule to ban backyard playsets that are not accompanied with instructions to use and maintain specified ground surfacing; that do not have handrails on all platforms that are 30 inches or higher above protective surfacing; that have swing seats made of wood, metal, plastic, or other hard material capable of inflicting serious injury to the head; that have free-swinging ropes; and that are unanchored playsets with swings. On January 14, 2002, the staff sent additional information to the Commission concerning revisions of the voluntary standard, conformance to the voluntary standard, and injury data. On March 15, 2002, the Commission voted to deny the remaining portions of the petition.

Timetable:

Action	Date	FR Cite
Partial Denial of Petition	05/21/96	
Revisions to Voluntary Standard Completed	07/10/98	
Staff Began Monitoring Conformance to Voluntary Standard	08/10/99	
Staff Completed Monitoring Conformance	08/31/00	
Staff Completed Injury Study	02/28/01	
Staff Sent Additional Information to Commission	01/14/02	
Balance of Petition Denied	03/15/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

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RIN: 3041-AB47**3661. PETITION FP 99-1 REQUESTING LABELING RULE FOR POLYURETHANE FOAM IN UPHOLSTERED FURNITURE****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553(e), Administrative Procedure Act; 15 USC 1191, Flammable Fabrics Act**CFR Citation:** None**Legal Deadline:** None

Abstract: A petition from the National Association of State Fire Marshals (NASFM) requested that the Commission require labels under the Flammable Fabrics Act warning that polyurethane foam in upholstered furniture poses a fire hazard. The Commission denied the petition on February 26, 2002.

Timetable:

Action	Date	FR Cite
Notice	04/06/99	64 FR 16711
Comment Period End	06/07/99	
Staff Sent Briefing Package to Commission	11/01/01	
Commission Decision	02/26/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

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RIN: 3041-AB81**3662. PETITIONS FP 00-1, FP 00-2, FP 00-3, AND FP 00-4 REQUESTING REQUIREMENTS FOR FLAMMABILITY OF MATTRESSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553(e), Administrative Procedure Act; 15 USC 1191, Flammable Fabrics Act**CFR Citation:** None**Legal Deadline:** None

Abstract: The Commission has received correspondence from Whitney A. Davis, Director of the Children's Coalition for Fire-Safe Mattresses, requesting that the Commission take various actions concerning mattress flammability. The Commission has docketed as petitions his requests for rules requiring: (1) an open-flame standard similar to the full-scale test set forth in California Technical Bulletin 129; (2) an open flame standard similar to the component test set forth in British Standard 5852; (3) a warning label for flammable mattresses; and (4) a permanent mattress identification tag attached to the inner spring of the mattress. The petitioner focuses primarily on the role polyurethane foam plays in mattress fires. The Commission has docketed these petitions under provisions of the Flammable Fabrics Act. The Commission voted to grant petitions FP 00-1 requesting that the Commission adopt a standard similar to California TB 117 and FP 00-2 requesting that the Commission adopt a standard similar to British Standard 5852, and deny petitions FP 00-3 requesting that the Commission require a warning label and FP 00-4 requesting that the Commission require a permanent identification tag.

Timetable:

Action	Date	FR Cite
Petitions Docketed	05/22/00	
Notice	06/12/00	65 FR 36890
Comment Period End	08/11/00	

CPSC

Completed Actions

Action	Date	FR Cite
Staff Sent Briefing Package to Commission	08/16/01	
Commission Decision	10/02/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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Related RIN: Previously reported as 3041-AC02**RIN:** 3041-AB89

3663. PETITION CP 00-1 REQUESTING PERFORMANCE REQUIREMENTS FOR NON-WOOD BASEBALL BATS

Priority: Substantive, Nonsignificant**Legal Authority:** 5 USC 553(e), Administrative Procedure Act; 15 USC 2051, Consumer Product Safety Act**CFR Citation:** None**Legal Deadline:** None

Abstract: The Commission has received correspondence from J.W. MacKay, Jr. requesting that the Commission issue a rule requiring that all non-wood baseball bats perform like wood bats. He states that such bats have a faster bat swing speed, a larger "sweet spot," and lower balance point than wood bats. These high performance bats, he asserts, allow the ball to achieve a faster exit velocity so that the pitcher does not have time to react if a ball is batted at him. The petitioner asserts that non-wood bats (primarily made of aluminum and composite materials) have become increasingly dangerous. For these reasons, the petitioner argues, such non-wood bats present an unreasonable risk of injury. The Commission docketed his request as a petition under the Consumer Product Safety Act and published a notice in the Federal Register on June 15, 2000 to solicit comments on the petition from interested persons. On December 28, 2001, the staff sent a briefing package to the Commission for its consideration as to whether to grant, deny, or defer the petition. The

Commission voted to deny the petition on March 6, 2002.

Timetable:

Action	Date	FR Cite
Petition Docketed	05/24/00	
Notice	06/15/00	65 FR 37525
Comment Period End	08/14/00	
Staff Sent Briefing Package to Commission	12/28/01	
Commission Voted to Deny Petition	03/06/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 3041-AB90

3664. PETITION HP 00-4 REQUESTING A RULE BANNING BABY BATH SEATS

Priority: Substantive, Nonsignificant**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 Consumer Federation of America and other consumer groups, docketed on August 4, 2000, requests that the Commission ban baby bath seats and bath rings. These are consumer products used to hold an infant in a bathtub while the child is being bathed. The petitioners assert that bath seats pose an unreasonable risk of injury, primarily because they create a false sense of security that the child is safe in the bathtub. They assert that 66 incidents of drowning and 37 reports of near drowning involving baby bath seats have been identified. On August 22, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The staff briefed the Commission on May 23, 2001. On May 30, 2001, the Commission granted the petition and voted to issue an advance notice of proposed rulemaking (ANPRM).

Timetable:

Action	Date	FR Cite
Petition Docketed	08/04/00	
Notice	08/22/00	65 FR 50968
Comment Period End	10/23/00	
Staff Sends Briefing Package to Commission	03/30/01	
Commission Decision	05/30/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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Related RIN: Related To 3041-AC03**RIN:** 3041-AB93

3665. PETITION HP 01-02 REQUESTING EXEMPTION FOR MODEL ROCKET PROPELLANT DEVICES USED WITH GROUND VEHICLES

Priority: Substantive, Nonsignificant**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 Centuri Corporation requests that the Commission issue a rule exempting certain model rocket propellant devices to be used for model rocket ground vehicles. The petitioner requests that the Commission extend the existing exemption for motors used for flying model rockets to motors used for certain model rocket cars that travel on a tethered line along the ground. The request was docketed as a petition on February 14, 2001. A notice requesting comment on the petition was published in the Federal Register on March 8, 2001. The comment period closed on May 7, 2001. On November 1, 2001, the Commission granted the petition insofar as it pertained to the smaller model rocket car that the petitioner proposed to market, but denied the petition insofar as it pertained to the larger model rocket car that the petitioner proposed to market.

CPSC

Completed Actions

Timetable:

Action	Date	FR Cite
Petition Docketed	02/14/01	66 FR 13914
Notice	03/08/01	
Comment Period End	05/07/01	
Staff Sent Briefing	09/28/01	
Package to Commission		
Commission Decision	11/01/01	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Terrance R. Karels,
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Related RIN: Related To 3041-AC00**RIN:** 3041-AB95

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