

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## FEDERAL ELECTION COMMISSION

### 11 CFR Part 111

[Notice 2009–19]

#### Procedural Rules for Audit Hearings

**AGENCY:** Federal Election Commission.

**ACTION:** Agency procedure; correction.

**SUMMARY:** On July 10, 2009, the Federal Election Commission published a Procedural Rule (“Commission”) instituting a program that provides committees that are audited pursuant to the Federal Election Campaign Act of 1971, as amended (“FECA”) with the opportunity to have a hearing before the Commission prior to the Commission’s adoption of a Final Audit Report. Procedural Rules for Audit Hearings, 74 FR 33140 (July 10, 2009). The Commission is now adding a further statement at the end of that procedural rule to conform this statement to other agency procedural rules.

**DATES:** Effective August 7, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Joseph F. Stoltz, Assistant Staff Director, Audit Division, 999 E Street, NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

**SUPPLEMENTARY INFORMATION:** On July 10, 2009, the Commission published a Procedural Rule instituting a program that provides committees that are audited pursuant to the Federal Election Campaign Act of 1971, as amended (“FECA”) with the opportunity to have a hearing before the Commission prior to the Commission’s adoption of a Final Audit Report. Procedural Rules for Audit Hearings, The Commission is now adding a statement to that procedural rule to conform the rule to other agency procedural rules and policy statements.

On page 33143, in the first column, at the end of paragraph E, insert the following:

The above provides general guidance concerning notice to those being audited and announces the general course of action that the Commission intends to follow. This notice sets forth the Commission’s intentions concerning the exercise of its discretion in its audit program. However, the Commission retains that discretion and will exercise it as appropriate with respect to the facts and circumstances of each audit it considers. Consequently, this notice does not bind the Commission or any member of the general public.

Dated: July 29, 2009.

On behalf of the Commission.

**Steven T. Walther,**

*Chairman, Federal Election Commission.*

[FR Doc. E9–18541 Filed 8–6–09; 8:45 am]

**BILLING CODE 6715–01–P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1500

#### Children’s Products Containing Lead; Interpretative Rule on Inaccessible Component Parts

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule.

**SUMMARY:** The Consumer Product Safety Commission (“Commission”) is issuing a final rule providing guidance as to what product components or classes of components will be considered to be “inaccessible.” Section 101(b)(2)(A) of the Consumer Product Safety Improvement Act (“CPSIA”) provides that the lead limits shall not apply to any component part of a children’s product that is not accessible to a child through normal and reasonably foreseeable use and abuse. Section 101(b)(2)(B) of the CPSIA requires the Commission to issue, by August 14, 2009, a rule providing guidance with respect to what product components, or classes of components, will be considered to be inaccessible. This final rule satisfies the Commission’s statutory obligation.

**DATES:** *Effective Date:* This interpretative rule is effective on August 14, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Kristina Hatlelid, PhD, M.P.H., Directorate for Health Sciences, Consumer Product Safety Commission, 4330 East West Highway, Bethesda,

Maryland 20814; e-mail [khatlelid@cpsc.gov](mailto:khatlelid@cpsc.gov); telephone 301–504–7254.

**SUPPLEMENTARY INFORMATION:**

#### A. Background

The CPSIA establishes specific lead limits in children’s products. Section 101(a) of the CPSIA provides that, as of February 10, 2009, products designed or intended primarily for children 12 and younger may not contain more than 600 parts per million (ppm) of lead. After August 14, 2009, products designed or intended primarily for children 12 and younger cannot contain more than 300 ppm of lead. On August 14, 2011, the limit may be further reduced to 100 ppm, unless the Commission determines that it is not technologically feasible to meet this lower limit. Section 3(a)(16) of the Consumer Product Safety Act, as amended by section 235(a) of the CPSIA, defines “children’s product” as a “consumer product designed or intended primarily for children 12 years of age or younger.”

#### B. Statutory Authority

Section 101(b)(2) of the CPSIA provides that the lead limits do not apply to component parts of a product that are not accessible to a child. This section specifies that a component part is not accessible if it is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product including swallowing, mouthing, breaking, or other children’s activities, and the aging of the product, as determined by the Commission. Paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate to be inaccessible to a child under section 101(b)(3) of the CPSIA.

#### C. Notice of Proposed Rulemaking

In the **Federal Register** of January 15, 2009 (74 FR 2439), the Commission published a proposed interpretative rule providing guidance with respect to what product components or classes of components will be considered to be inaccessible. As stated in the preamble to the proposed interpretative rule (74 FR at 2440), the Commission preliminarily determined that:

- An accessible component part of a children’s product is one that a child may touch;