

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket Number: CPSC-2009-0063]

### Notice of Availability of a Statement of Policy: Testing of Component Parts With Respect to Section 108 of the Consumer Product Safety Improvement Act

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The Consumer Product Safety Commission ("Commission") is announcing the availability of a document titled, "Statement of Policy: Testing of Component Parts With Respect to Section 108 of the Consumer Product Safety Improvement Act" ("Statement of Policy"). Section 108 of the Consumer Product Safety Improvement Act of 2008 ("CPSIA") prohibits the sale of certain products containing specified phthalates. The Statement of Policy establishes the Commission's position with respect to testing products to determine whether they contain phthalates in excess of the statutory limits.

**DATES:** Submit written or electronic comments on the Statement of Policy by September 16, 2009.

**ADDRESSES:** The Statement of Policy is available from the Commission's Web site at <http://www.cpsc.gov/about/cpsia/componenttestingpolicy.pdf>. Copies also may be obtained from the Consumer Product Safety Commission, Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814; 301-504-7923.

You may submit comments, identified by Docket No. CPSC-2009-0063, by any of the following methods:

#### Electronic Submissions

Submit electronic comments in the following way:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (e-mail) except through <http://www.regulations.gov>.

#### Written Submissions

Submit written submissions in the following way:

*Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to:* Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

*Instructions:* All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Babich, PhD, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7253; [mbabich@cpsc.gov](mailto:mbabich@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** On August 14, 2008, the CPSIA (Pub. L. 110-314) was enacted. Section 108 of the CPSIA, titled "Prohibition on Sale of Certain Products Containing Specified Phthalates," permanently prohibits the sale of any "children's toy or child care article" containing more than 0.1 percent of three specified phthalates (di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), and benzyl butyl phthalate (BBP)). Section 108 of the CPSIA also prohibits, on an interim basis, "toys that can be placed in a child's mouth" or "child care articles" containing more than 0.1 percent of three additional phthalates (diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), and di-n-octyl phthalate (DnOP)). These prohibitions became effective on February 10, 2009.

The terms "children's toy," "toy that can be placed in a child's mouth," and "child care article" are defined in section 108 of the CPSIA. For example, section 108 of the CPSIA defines a "children's toy" as a "consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays." It is noteworthy that the definition uses the term "consumer product" because section 3(a)(5) of the Consumer Product Safety Act (CPSA) defines "consumer product," in relevant part, as "any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a

school, in recreation, or otherwise  
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In the **Federal Register** of February 23, 2009 (74 FR 8058), the Commission published a notice of availability regarding a draft guidance discussing which children's products are subject section 108 of the CPSIA. The notice invited comment on various questions and also on the Commission's test method for phthalates. The test method (Test Method: CPSC-CH-C1001-09.1, "Standard Operating Procedure for Determination of Phthalates," dated March 3, 2009) generated some controversy in that it suggested testing the entire product or testing components and then mathematically combining the results.

The Commission has reexamined the question of product testing and has prepared a document titled "Statement of Policy: Testing of Component Parts with Respect to section 108 of the Consumer Product Safety Improvement Act." The Statement of Policy describes the Commission's position regarding component testing, and the Commission has posted a new test method, Test Method: CPSC-CH-C1001-09.2, "Standard Operating Procedure for Determination of Phthalates," dated July 27, 2009 on the Commission's Web site at <http://www.cpsc.gov/about/cpsia/CPSC-CH-C1001-09.2.pdf>. The Statement of Policy is available on the Commission's Web site at <http://www.cpsc.gov/about/cpsia/componenttestingpolicy.pdf> and from the Commission's Office of the Secretary at the location listed in the **ADDRESSES** section of this notice.

The Commission invites comment on the Statement of Policy. Comments should be submitted by September 16, 2009. Information on how to submit comments can be found in the **ADDRESSES** section of this notice.

Dated: August 10, 2009.

**Todd Stevenson,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. E9-19664 Filed 8-14-09; 8:45 am]

**BILLING CODE 6355-01-P**

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## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB

review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before September 16, 2009.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, *Attention:* Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395-5806 or send e-mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: August 12, 2009.

**Angela C. Arrington,**

*Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.*

#### Office of Postsecondary Education

*Type of Review: Extension.*

*Title:* U.S.-Brazil Higher Education Consortia Program (1894-0001).

*Frequency:* Annually.

*Affected Public:* Businesses or other for-profit; not-for-profit institutions.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 30.

*Burden Hours:* 180.

*Abstract:* US/ED collects applications under the U.S.-Brazil Program to make

grants to institutions of higher education. The U.S.-Brazil program is a discretionary grant program which supports institutional cooperation and student exchanges among the United States and Brazil. Funding supports the participation of U.S. institutions and students in bilateral consortia of institutions of higher education. Funding will be multi-year with funding up to four years.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894-0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 4109. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E9-19717 Filed 8-14-09; 8:45 am]

**BILLING CODE 4000-01-P**

#### DEPARTMENT OF EDUCATION

##### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before October 16, 2009.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires

that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 11, 2009.

**Angela C. Arrington,**

*Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.*

##### Office of Elementary and Secondary Education

*Type of Review:* Extension.

*Title:* State Fiscal Stabilization Fund MOE Guidance.

*Frequency:* One time.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 10.

*Burden Hours:* 10.

*Abstract:* This guidance supplements the April 2009 Guidance on the State Fiscal Stabilization Fund program and provides additional information on the