Rules and Regulations

Federal Register
Vol. 49, No. 146
Friday, July 27, 1984

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 474]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 275,000 cartons during the period July 29–August 4, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: July 29, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on July 24, 1984, at Ventura, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is steady.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.774 is added as follows:

§ 910.774 Lemon Regulation 474.

The quantity of lemons grown in California and Arizona which may be handled during the period July 29, 1984, through August 4, 1984, is established at 275,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-20046 Filed 7-26-84; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Freedom of Information Act; Implementation, Organization, Procedures, and Rules of Practice

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This amendment makes FTC Rule 4.10(a)(3) reflect more closely the prevailing legal standard for Exemption 5 of the Freedom of Information Act, 5 U.S.C. 552(b)(5) on which the rule is based. The Supreme Court has long construed Exemption 5 as protecting from disclosure internal agency documents that would not be "routinely" or "normally" available in private litigation with the agency. Most recently, in *Grolier, Inc.* v. *FTC*, 103 S.Ct. 2209 (1983), the Court stated that attorney work-product is not "normally" or "routinely" available to parties in litigation, and hence is exempt under Exemption 5 without regard to the status of the litigation with which it was prepared. The effect of the amendment is to reflect this legal standard by changing the definition of nonpublic information Rule 4.10(a)(3) from materials that are "not available" in civil discovery to materials that are not "routinely available."

EFFECTIVE DATE: July 27, 1984.

FOR FURTHER INFORMATION CONTACT: Alexandra Buek, Assistant to the General Counsel, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3906.

SUPPLEMENTARY INFORMATION: Rule 4.10(a)(3) is a rule of agency organization, procedure or practice. It is therefore being amended without notice and comment. 5 U.S.C. 553(b)(A); see 16 CFR 1.21 (1983). The amendment is intended to reflect the case law interpreting Exemption 5 of the Freedom of Information Act, 5 U.S.C. 552(b)(5), on which the rule is based. See, *e.g., United States* v. *Weber Aircraft Corp.*, 104 S.Ct. 1488 (1984); *Grolier, Inc.* v. *FTC*, 103 S. Ct. 2209 (1983).

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information Act, Privacy Act, Sunshine Act.

PART 4—MISCELLANEOUS RULES

Accordingly, the Commission amends 16 CFR 4.10(a)(3) by revising the first sentence, with the remainder of § 4.10(a)(3) to remain unchanged, to read as follows:

§ 4.10 Nonpublic information.

* * * * *

(a) * * *

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(3) Interagency or intra-agency memoranda or letters which would not routinely be available by law to a private party in litigation with the Commission. * * *

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(15 U.S.C. 41 *et seq.*)

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 84-19904 Filed 7-26-84; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1145

Rule To Regulate Under the Consumer Product Safety Act Risks of Injury That May Be Associated With Baby Bassinets Having Legs That Collapse

AGENCY: Consumer Product Safety Commission.

ACTION: Final Rule.

SUMMARY: The Consumer Product Safety Commission has learned of instances in which baby bassinets have collapsed because their supporting legs gave way. Should regulatory action become necessary to address any risk of injury associated with baby bassinets having legs that collapse, the Commission issues this rule to transfer regulation of any such risks of injury to the Consumer Product Safety Act (CPSA) from the Federal Hazardous Substances Act (FHSA).* The Commission has determined that this transfer is in the public interest because the Commission finds that if regulation of these risks of injury is necessary, public notification and remedial action can be accomplished more effectively and expeditiously under the CPSA than under the FHSA.

EFFECTIVE DATE: July 27, 1984.

FOR FURTHER INFORMATION CONTACT: Marc J. Schoem, Division of Corrective Actions, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6608.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 28, 1984 (49 FR 11846), the Commission proposed a rule to transfer from the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 *et seq.*) to the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 *et seq.*) regulation of any risk of injury, such as concussion, skull fracture, hemorrhage, anoxia, and related trauma, which may be associated with baby bassinets having legs that collapse.

A. Background

The proposal to transfer regulation of risks of injury which may be associated with these articles was made under provisions of section 30(d) of the CPSA (15 U.S.C. 2079(d)), which provides:

> A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act * * * may be regulated under this Act [the CPSA] only if the Commission by rule finds that it is in the public interest to regulate such risks of injury under this Act.

A bassinet is a small sleeping container used in the home and elsewhere for infants during the first several months after birth. A bassinet may be stationary or equipped with wheels for mobility. To enhance portability and storage in small spaces, some bassinets have folding legs.

The size of the sleeping container may vary, but it is usually about 36 inches long by about 10 inches wide by about 12 inches deep. The sleeping container is often made of wicker or plastic shaped like wicker, and resembles a basket.

The sleeping container is mounted on four legs, which sometimes have caster wheels to facilitate movement from place to place. (See figure 1.) Some bassinets are constructed with the two legs at each end connected by a horizontal cross member which allows the legs to fold as a pair. On these bassinets, each leg in a pair may have an individual brace consisting of two steel links connected by a center pivot. (See figure 1.) When the legs of these bassinets are fully extended, the links of the leg brace form a straight line. The links of the brace may have intermeshing dimples or some other mechanisms for locking the brace. (See figure 2A.) When the two links of the brace are moved in an upward direction, the legs will fold under the sleeping container. (See figure 2(B).)

When a leg brace as described above is in a straight line, it can resist compressive forces either from movement of the infant within the bassinet, or from an adult pushing the bassinet from one room to another. If a leg brace which is designed to reach a straight line is not fully opened into its straight line position, or if the interlocking dimples are small and shallow, the legs of the bassinet can collapse inward (toward the center of the bassinet). Bending stress on the links due to offset at their outer ends may also cause the leg braces to separate and allow folding of the links either upward or downward. Folding of the links in turn results in collapse of the legs and the bassinet. Collapse of the legs may also be more likely when the brace is constructed of thin-gauge steel.

The Commission had learned of the deaths of three infants associated with collapse of baby bassinets, when it published the proposed rule. The Commission has since learned of one additional death. The reports indicate that while the children were in them, the legs of the bassinets collapsed. Each infant may have suffered internal cranial hemorrhaging from the blow to the head when falling, and anoxia (inability to breathe) because of being thrown head downward and remaining in that position. From consumer complaints and investigations by its staff, the Commission has also learned of additional incidents involving bassinets having legs that collapsed which resulted in minor or no injuries.

All of these incidents, fatal or otherwise, appear to have occurred after the baby moved about in the bassinet, or when an adult pushed the bassinet from one room to another over doorsills or other routine obstructions. The reports of these incidents indicate that the braces on the legs of the bassinets loosened, detached, bent, or otherwise failed to perform their intended function of keeping the legs fully extended so that the bassinet could be moved around in the home until such time as the user desired to fold the legs under the sleeping container.

The incidents reported to and investigated by the Commission indicate that an infant can suffer concussion, skull fracture, hemorrhage, anoxia, and other related injuries from the collapse of the legs on bassinets.

B. Regulation Under FHSA

The baby bassinets described above could be regulated by the Commission under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*) as articles intended for use by children.

In accordance with provisions of sections 3 (e) through (i) of the FHSA (15

*Commissioner Carol G. Dawson did not participate in the decision of the Commission to issue this rule.