

publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

Statutory Authority

The Board is established under the National Aeronautics and Space Act, as amended, 51 U.S.C. 20135(g). 51 U.S.C. 20136(a) authorizes the NASA Administrator to make monetary awards to any person for any scientific or technical contribution to NASA which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities. Applications for such awards are referred to the Inventions and Contributions Board which transmits to the Administrator its recommendation as to the terms of the award. The functions, authority, and membership of the Inventions and Contributions Board are provided in NASA regulations at Title 14 of the Code of Federal Regulations, part 1209, subpart 4 (14 CFR 1209.400 *et seq.*).

Regulatory Analysis

Paperwork Reduction Act Statement

This final rule does not contain an information collection requirement that is subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Executive Order 12866 and Executive Order 13563

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been designated a "significant regulatory action" although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been certified that this final rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. The rule implements the internal procedures for the effective administration of the Board.

List of Subjects in 14 CFR Part 1209

Boards and committees.

Accordingly, 14 CFR part 1209 is amended as follows:

PART 1209—BOARDS AND COMMITTEES

Subpart 4—Inventions and Contributions Board

■ 1. The authority citation for part 1209 subpart 4 is revised to read as follows:

Authority: 51 U.S.C. 20135(g) and 20136.

■ 2. Section 1209.402 is revised to read as follows:

§ 1209.402 Responsibilities.

(a) *Waiver of rights in inventions.* Under the authority of 51 U.S.C. 20135(g) and pursuant to 14 CFR part 1245 subpart 1, the Board will receive and evaluate petitions for waiver of rights of the United States to inventions, accord each interested party an opportunity for a hearing, and transmit to the Administrator its findings of fact as to such petitions and its recommendations for action to be taken with respect thereto.

(b) *Monetary awards for scientific and technical contributions.* (1) Under the authority of 51 U.S.C. 20136 and pursuant to 14 CFR part 1240, the Board will receive and evaluate each application for award for any scientific or technical contribution to the Administration which is determined to have significant value in the conduct of aeronautical and space activities, will accord each applicant an opportunity for a hearing upon such application, and will then transmit to the Administrator its recommendation as to the amount of the monetary award and the terms of the award, if any, to be made for such contribution.

(2) If the contribution is made by a Government employee, the Board is also authorized to consider such contribution for award under the Incentive Awards Program and to make an award, if any, on its own cognizance, up to the amount of \$10,000, in accordance with NASA supplements to Chapter 451 of the Federal Personnel Manual covering this subject.

■ 3. Section 1209.403 is revised to read as follows:

§ 1209.403 Organizational location.

The Board shall be established within an office or department of NASA as designated by the Administrator.

Charles F. Bolden, Jr.,
Administrator.

[FR Doc. 2011-18745 Filed 7-25-11; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 600

Statement of General Policy or Interpretation; Commentary on the Fair Credit Reporting Act

AGENCY: Federal Trade Commission.

ACTION: Final rule; rescission of commentary.

SUMMARY: The Federal Trade Commission ("FTC" or "Commission") is rescinding its Statements of General Policy or Interpretations Under the Fair Credit Reporting Act ("FCRA"). Recent legislation transferred authority to issue interpretive guidance under the FCRA to the Consumer Financial Protection Bureau ("CFPB").

DATES: *Effective Date:* July 26, 2011.

ADDRESSES: Copies of this document are available from: Public Reference Branch, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Copies of this document are also available on the Internet at the Commission's Web site: <http://www.ftc.gov>.

FOR FURTHER INFORMATION CONTACT: Anthony Rodriguez, (202) 326-2757, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The FCRA¹ governs the collection, assembly, and use of consumer report information and provides the framework for the credit reporting system in the United States. The FTC has played a key role in the implementation, oversight, enforcement, and interpretation of the FCRA since its enactment in 1970. In May 1990, the Commission issued its Statement of General Policy or Interpretations under the FCRA, which included a comprehensive Commentary on the FCRA (the "1990

¹ 15 U.S.C. 1681 *et seq.*

Commentary”).² The 1990 Commentary provided broad guidance on the Commission’s interpretation of the provisions of the FCRA, but specified that the interpretations were not trade regulation rules or regulations and did not have the force or effect of statutory provisions.³

II. Basis for Removal of the 1990 Commentary

Since the publication of the 1990 Commentary, the FCRA has been amended several times in the ensuing years. The two most extensive amendments were the Consumer Credit Reporting Reform Act of 1996 (the “1996 amendments”) ⁴ and the Fair and Accurate Credit Transactions Act of 2003 (“FACT Act”).⁵

The 1996 Amendments expanded the duties of consumer reporting agencies (“CRAs”), and also increased the obligations of *users* of consumer reports, particularly employers. Most significantly, the 1996 Amendments imposed duties on a class of entities not previously treated by the FCRA—*furnishers* of information to CRAs—by including requirements related to accuracy and the handling of disputes by the entities that provided information to CRAs.

In 2003, the FACT Act ⁶ further expanded the FCRA.⁷ It added several sections to assist consumers and businesses in combating identity theft and reducing the damage to consumers when that crime occurred, including granting consumers the right to request free annual reports from nationwide CRAs. The Commission, often in conjunction with the Federal financial agencies, issued numerous rules to

implement the various FACT Act provisions.⁸

As a result of these significant changes in the FCRA, as well as the passage of time, the 1990 Commentary has become partially obsolete.

In addition, on July 21, 2010, President Obama signed into law the Consumer Financial Protection Act of 2010 (“CFPA”).⁹ Under the CFPA, much of the authority of the Commission and the Federal financial agencies to publish rules, regulations, or guidelines under the FCRA transfers to the CFPB. Although the CFPA provides for the transfer of existing regulations and guidelines to the CFPB, the Commission does not believe that it is appropriate to transfer the Commentary given its staleness. Indeed, in some respects, the Commentary is in conflict with the law as it has been amended. Accordingly, the Commission is rescinding 16 CFR 600.1, 600.2, and the Appendix to Part 600—Commentary on the Fair Credit Reporting Act.

Under 5 U.S.C. 553(b)(A), the requirement to provide prior notice and an opportunity for public comment does not apply to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice. Further, under 5 U.S.C. 553(d)(2), the rescission may take effect immediately upon publication of this document in the **Federal Register**. Accordingly, the Commission rescinds 16 CFR 600.1, 600.2, and the Appendix to Part 600—Commentary on the Fair Credit Reporting Act, effective immediately.

III. Regulatory Flexibility Act

Because these statements of general policy and interpretations are not “rules” subject to the Regulatory Flexibility Act, *see* 5 U.S.C. 601(2), the Commission is not required to publish any initial or final regulatory flexibility analysis under the Regulatory Flexibility Act as part of such action. *See* 5 U.S.C. 603(a), 604(b).

List of Subjects in 16 CFR Part 600

Credit, Trade practices.

■ Accordingly, for the reasons set forth above, under the authority of 16 U.S.C. 1681s, the Commission amends Title 16, Chapter I, Code of Federal Regulations, by removing and reserving part 600.

⁸ The Commission’s FACT Act rules are listed on the agency Web site at <http://www.ftc.gov/os/statutes/fcrajump.htm>.

⁹ Title X, Public Law 111–203 (Dodd-Frank Wall Street Reform and Consumer Protection Act).

By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 2011–18688 Filed 7–25–11; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

[Docket No. CPSC–2010–0080]

Children’s Products Containing Lead; Technological Feasibility of 100 ppm for Lead Content; Notice of Effective Date of 100 ppm Lead Content Limit in Children’s Products

AGENCY: U.S. Consumer Product Safety Commission

ACTION: Notice of statutory requirement.

SUMMARY: Section 101(a) of the Consumer Product Safety Improvement Act (“CPSIA”) provides that, as of August 14, 2011, children’s products may not contain more than 100 parts per million (“ppm”) of lead unless the Consumer Product Safety Commission (“CPSC,” “Commission,” or “we”) determines that such a limit is not technologically feasible. The determination can only be made after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children’s products. On February 16, 2011, we conducted a public hearing to receive views from all interested parties about the technological feasibility of meeting the 100 ppm lead content limit for children’s products and associated public health considerations. Through this document, we announce that children’s products must meet the statutory 100 ppm lead content limit on August 14, 2011, unless otherwise excluded under CPSC regulations.¹

DATES: The 100 ppm lead content limit for children’s products is effective on August 14, 2011.

FOR FURTHER INFORMATION CONTACT: Dominique Williams, Directorate for Health Sciences, Consumer Product Safety Commission, Bethesda, MD 20814; telephone: (301) 504–7597; e-mail: dwilliams@cpsc.gov.

SUPPLEMENTARY INFORMATION:

¹ The Commission voted 3–2 to publish this notice, without changes, in the **Federal Register**. Chairman Inez M. Tenenbaum, Commissioners Thomas Moore and Robert Adler voted to publish the notice. Commissioners Nancy Nord and Anne Northup voted against publication of the notice. Chairman Tenenbaum and Commissioners Nord and Northup filed statements regarding the vote. The statements may be viewed at <http://www.cpsc.gov/pr/statements.html>.

² 55 FR 18804 (May 4, 1990). The 1990 Commentary followed a proposal published in August 1988. 53 FR 29696 (Aug. 8, 1988). It included eight interpretations that the Commission had issued in the 1970s (former 16 CFR 600.1 through 600.8).

³ 16 CFR 600.2, citing 16 CFR 1.73.

⁴ Title II, Subtitle D, Chapter 1, of the Omnibus Consolidated Appropriations Act for Fiscal Year 1997, Public Law 104–208 (Sept. 30, 1996).

⁵ Public Law 108–159 (Dec. 4, 2003).

⁶ *Id.*

⁷ During the seven years between the 1996 Amendments and the FACT Act, there were a number of more modest revisions, the most significant of which was a 1999 amendment that specifically authorized the Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, Office of Thrift Supervision, and National Credit Union Administration to promulgate regulations under the FCRA for the banks and other entities subject to their jurisdiction. Section 506 of the Gramm-Leach-Bliley Act (Pub. L. 106–102 (Nov. 12, 1999); FCRA § 621(e)).