

There seems to be some confusion about the tracking label issue on children's products. **Customs and Border Protection** is NOT issuing any labels to affix to children's products. Note attached *Federal Register* notice which solicits written comments by April 27, 2009 re implementation of the tracking labels mandated by the *Consumer Products Safety Improvement Act* as of August 14, 2009. CPSC is seeking input from the trade as to how this labeling issue might be best addressed. CPSC offers, as guidance for product labeling protocols, a feasibility study between the PRC and the EU and the appropriate web site. Once comments are reviewed, CPSC will issue a Final Rule which will also be subject to a comment period (30-60 days.)

It should be noted that the CPSC web site lists only one facility in the United States (Kilgore, Texas) which is approved for various tests (lead, phthalates.)

Dated: February 20, 2009.

**John M. Andersen,**  
*Acting Deputy Assistant Secretary for  
Antidumping and Countervailing Duty  
Operations.*

[FR Doc. E9-4130 Filed 2-25-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Availability of Seats for the Florida Keys National Marine Sanctuary Advisory Council

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The ONMS is seeking applications for the following vacant seats on the Florida Keys National Marine Sanctuary Advisory Council: Citizen at Large—Middle Keys (alternate), Diving—Upper Keys (member), Fishing—Recreational (alternate), and Tourism—Upper Keys (alternate). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary.

Applicants who are chosen as members should expect to serve 3-year terms, pursuant to the council's Charter.

**DATES:** Applications are due by March 23, 2009.

**ADDRESSES:** Application kits may be obtained from Lilli Ferguson, Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040. Completed applications should be sent to the same address.

**FOR FURTHER INFORMATION CONTACT:** Lilli Ferguson, Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040; (305) 292-0311 x245; [Lilli.Ferguson@noaa.gov](mailto:Lilli.Ferguson@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Per the council's Charter, if necessary, terms of appointment may be changed to provide for staggered expiration dates or member resignation mid term.

**Authority:** 16 U.S.C. 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 18, 2009.

**Daniel J. Basta,**  
*Director, Office of National Marine  
Sanctuaries, National Ocean Service,  
National Oceanic and Atmospheric  
Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN: 0648-XN56

#### Gulf of Mexico Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene its Law Enforcement Advisory Panel (LEAP).

**DATES:** The meeting will convene at 1:30 p.m. on Tuesday, March 17, 2009 and conclude no later than 5 p.m.

**ADDRESSES:** The meeting will be held at the Royal Sonesta Hotel, 300 Bourbon St., New Orleans, LA 70130; telephone: (504) 586-0300.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Dr. Richard Leard, Interim Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico Fishery Management Council (Council) will convene the Law Enforcement Advisory Panel (LEAP) to review an emergency action to reduce reef fish longline and sea turtle interactions. The LEAP will also review a preliminary draft of Amendment 31 to the Reef Fish Fishery Management Plan that would include additional alternatives to reduce interactions between sea turtles and bottom longline gear in the reef fish fishery. Finally, the LEAP will receive a report of the status of recently completed management actions and scheduled activities, and possibly provide reports on individual state and federal law enforcement activities.

The LEAP consists of principal law enforcement officers in each of the Gulf States, as well as the National Oceanic and Atmospheric Administration

(NOAA) Law Enforcement, U.S. Fish and Wildlife Service (FWS), the U.S. Coast Guard, and the NOAA General Counsel for Law Enforcement. A copy of the agenda and related materials can be obtained by calling the Council office at (813) 348-1630.

Although other non-emergency issues not on the agendas may come before the LEAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions of the LEAP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina O'Hern at the Council (see ADDRESSES) 5 working days prior to the meeting.

Dated: February 23, 2009.

**Tracey L. Thompson,**  
*Acting Director, Office of Sustainable  
Fisheries, National Marine Fisheries Service.*

[FR Doc. E9-4136 Filed 2-25-09; 8:45 am]

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## CONSUMER PRODUCT SAFETY COMMISSION

### Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act; Notice of Inquiry; Request for Comments and Information

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of inquiry.

**SUMMARY:** The Consumer Product Safety Improvement Act of 2008 requires that, effective August 14, 2009, the manufacturer of a children's product must place permanent distinguishing marks on the product and its packaging that provides certain identifying information. The United States Consumer Product Safety Commission ("Commission") is requesting comments and information about implementation of this program.

**DATES:** Written comments must be received by April 27, 2009.

**ADDRESSES:** Comments should be e-mailed to [TrackingLabels@cpsc.gov](mailto:TrackingLabels@cpsc.gov). Comments also may be mailed, captioned "tracking labels," preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland 20814, or delivered to the same address (telephone (301) 504-7923). Comments may also be filed by facsimile to (301) 504-0127.

**FOR FURTHER INFORMATION CONTACT:** John "Gib" Mullan, Director, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7626.

**SUPPLEMENTARY INFORMATION:**

**A. Statutory Tracking Label Requirement**

The U.S. Consumer Product Safety Commission invites comments on implementation of section 103 of the CPSIA, Tracking Labels for Children's Products. Effective August 14, 2009, section 103 of the CPSIA requires, to the extent practicable, the placement of permanent, distinguishing marks on children's products and packaging to enable:

(A) The manufacturer to ascertain the location and date of production of the product, cohort information (including the batch, run number, or other identifying characteristic), and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks; and

(B) The ultimate purchaser to ascertain the manufacturer or private labeler, location and date of production of the product, and cohort information (including batch, run number, or other identifying characteristic).

Public Law 110-314, sec. 103(a), 122 Stat. 3016 (August 14, 2008). Under the CPSIA, a "children's product" is "a consumer product designed or intended primarily for children 12 years of age or younger." *Id.* sec. 235(a).

Section 103 of the CPSIA also amends section 14(c) of the Consumer Product Safety Act ("CPSA") (15 U.S.C. 2063(c)), which already authorizes the Commission to require, by rule, the use of traceability labels (including permanent labels) where practicable, on any consumer product. This section allows the Commission to require labels that may include these elements:

- Manufacturer or private labeler.
- Date and place of manufacture.
- Cohort information (including

batch, run number, or other identifying characteristic) of the product.

This same section provides that, where traceability labels are required by rule under CPSA section 14(c) and a covered product is privately labeled, the product must carry a code mark permitting the seller to identify the manufacturer upon a purchaser's request.

The Commission is aware of the potential public interest in implementing a tracking label approach in close consultation with other national and regional jurisdictions. To the extent that a uniform approach can be developed, consumers may be better informed in the event of a recall. Manufacturers also may have greater certainty in identifying affected products and production management costs may be reduced, with possible pricing benefits to consumers. The Commission intends to draw from responses to this request for comments in its discussions on tracking label policy with other national and regional regulators.

**B. Request for Comments**

Given the spectrum of options available to CPSC to implement the tracking labeling requirement for children's products, the staff is interested in comments and information regarding:

1. The conditions and circumstances that should be considered in determining whether it is "practicable" to have tracking labels on children's products and the extent to which different factors apply to including labels on packaging.

2. How permitting manufacturers and private labelers to comply with labeling requirements with or without standardized nomenclature, appearance, and arrangement of information would affect:

a. Manufacturers' ability to ascertain the location and date of production of the product; and

b. Other business considerations relevant to tracking label policy.

3. How consumers' ability to identify recalled items would be affected by permitting manufacturers and private labelers to comply with labeling requirements with or without standardized nomenclature, appearance, and arrangement of information.

4. How, and to what extent, the tracking information should be presented with some information in English or other languages, or whether presentation should be without the use of language (e.g., by alpha-numeric code with a reference key available to the public).

5. Whether there would be a substantial benefit to consumers if

products were to contain tracking information in electronically readable form (to include optical data and other forms requiring supplemental technology), and if so, in which cases this would be most beneficial and in which electronic form.

6. In cases where the product is privately labeled, by what means the manufacturer information should be made available by the seller to a consumer upon request, e.g.: Electronically via Internet, or toll-free number, or at point of sale.

7. The amount of lead time needed to comply with marking requirements if the format is prescribed.

8. Whether successful models for adequate tracking labels already exist in other jurisdictions.

A study on possible product labeling protocols "Feasibility Study: Post-manufacturing Traceability System between the PRC and the EU, November 2008" may be found at the following Web site: [http://www.euchinawto.org/index.php?option=com\\_content&task=view&id=258&Itemid=1](http://www.euchinawto.org/index.php?option=com_content&task=view&id=258&Itemid=1) (referenced here with permission). The Commission does not necessarily endorse or support any views or conclusions in that study. However, the document provides useful background for discussion of traceability labeling policies.

The Commission understands that other jurisdictions plan to request comments on tracking label policy in the near future. On its Web site <http://www.cpsc.gov>, CPSC will provide links to Internet notices by other jurisdictions as staff becomes aware of them.

Dated: February 20, 2009.

**Todd Stevenson,**

*Secretary, U.S. Consumer Product Safety Commission.*

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**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**Air University Board of Visitors Meeting**

**ACTION:** Notice of meeting of the Air University Board of Visitors.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, the Department of Defense announces that the Air University Board of Visitors' meeting will take place on Monday, April 19th,