

Exporter & Producer	Weighted-Average Margin
Shenyang Jinli Metals & Minerals Imp & Exp Co., Ltd. .... Produced by: Shenyang Jinli Metals & Minerals Imp. & Exp. Co., Ltd..	90.50%
Shanghai Jinneng International Trade Co., Ltd. .... Produced by: Shanxi Jinneng Group Datong Energy Development Co., Ltd..	90.50%
Dalian Thrive Metallurgy Import and Export Co., Ltd. .... Produced by: Linghai Hongfeng Carbon Products Co., Ltd.; Tianzhen. Jintian Graphite Electrodes Co., Ltd.; Jiaozuo Zhongzhou Carbon Products Co., Ltd.; Heilongjiang Xinyuan Carbon Products Co., Ltd.; Xuzhou Jianglong Carbon Manufacture Co., Ltd.; or Xinghe Xinyuan Carbon Products Co., Ltd..	90.50%
GES (China) Co., Ltd. .... Produced by: Shanghai GC Co., Ltd.; Fushun Jinli Petrochemical Carbon Co., Ltd.; Xinghe County Muzi Carbon Plant and Linyi County Lubei Carbon Co., Ltd. Shandong Province.	90.50%
Qingdao Haosheng Metals & Minerals Imp & Exp Co., Ltd. .... Produced by: Sinosteel Jilin Carbon Co., Ltd..	90.50%

The weight-average dumping margins for Fushun Jinly and the PRC-wide

entity have not changed from the margins determined in the original

preliminary determination. Those margins are as follows:

Exporter & Producer	Weighted-Average Margin
Fushun Jinly Petrochemical Carbon Co., Ltd. .... Produced by: Fushun Jinly Petrochemical Carbon Co., Ltd..	132.80%
PRC-Wide Rate .....	159.34%

### Retroactive Application of Amended Preliminary Determination Margins

For the Fangda Group and the separate rate applicants, we will instruct U.S. Customs and Border Protection (CBP) to require a cash deposit or the posting of a bond equal to the applicable weighted-average margins indicated above, for all entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the publication date of the *Preliminary Determination*, August 21, 2008. For Fushun Jinly and the PRC-wide entity, we will instruct CBP to require a cash deposit or the posting of a bond equal to the applicable weighted-average margins indicated above, for all entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the *Preliminary Determination*.

### International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the International Trade Commission ("ITC") of our amended preliminary determination. If our final determination is affirmative, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of graphite electrodes, or sales (or the likelihood of sales) for importation, of the merchandise under investigation, within 45 days of our final determination.

This determination is issued and published in accordance with sections 733(f), 735(a)(2), and 777(i) of the Act and sections 351.210(g) and 351.224(e) of the Department's regulations.

Dated: September 15, 2008.

**Stephen J. Claeys,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E8-22109 Filed 9-19-08; 8:45 am]

**BILLING CODE 3510-DS-S**

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

**RIN 0648-XK63**

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Scientific and Statistical Committee (SSC) on October 6-7, 2008, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Monday, October 6, 2008, at 10 a.m. and Tuesday, October 7, 2008, at 8 a.m.

**ADDRESSES:** The meeting will be held at the Hilton Hotel, 20 Coogan Boulevard, Mystic, CT 06355; telephone: (860) 572-0731; fax: (860) 572-0328.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The SSC will: (1) elect new committee officers; (2) address committee priorities and workload issues and (3) review the scientific basis for Amendment 3 to the Skate Fishery Management Plan. The committee also will review the new overfishing definition under consideration in Framework Adjustment 15 to the Scallop Fishery Management Plan and the Ocean Associates Inc. report entitled *Mobile Fishing Gear Effects and Citation Validity in NEFMC Documents Affecting the Atlantic Sea Scallop Fishery*.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice 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 final action to address the emergency.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: September 17, 2008.

**Tracey L. Thompson,**

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

[FR Doc. E8-22102 Filed 9-19-08; 8:45 am]

**BILLING CODE 3510-22-S**

---

## CONSUMER PRODUCT SAFETY COMMISSION

### Third Party Testing for Certain Children's Products; Notice of Requirements for Accreditation of Third Party Conformity Assessment Bodies To Assess Conformity With Part 1303 of Title 16, Code of Federal Regulations

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of Requirements for Accreditation of Third Party Conformity Assessment Bodies to Assess Conformity with part 1303 of Title 16, Code of Federal Regulations.

*Introduction:* The Consumer Product Safety Act ("CPSA"), at § 14(a)(3)(B)(i) as added by § 102(a)(2) of the Consumer Product Safety Improvement Act of 2008 ("CPSIA"), Public Law 110-314, directs the U.S. Consumer Product Safety Commission ("CPSC" or "Commission") to publish this notice of requirements for accreditation of third party conformity assessment bodies ("third party laboratories") to test children's products for conformity with the lead paint ban in the Commission's regulations at 16 CFR part 1303 (the "lead paint ban"). Children's products are those designed or intended for use primarily by children 12 years old and younger. Part 1303 bans paint and other surface coatings that contain more than 0.06 percent lead as well as toys, other consumer products intended for use by children, and furniture bearing lead-containing paint.<sup>1</sup> Each manufacturer (including the importer) or private labeler of children's products subject to the lead paint ban must have products manufactured more than 90 days after this notice tested by a laboratory

accredited to do so and must issue a certificate of compliance with the lead paint ban based on that testing.<sup>2,3</sup>

The Commission is also recognizing limited circumstances in which testing performed by a laboratory on or after May 16, 2008, 90 days prior to the date of enactment of CPSIA (August 14, 2008), but prior to Commission acceptance of the laboratory's preexisting accreditation, provided that accreditation is accepted not later than November 26, 2008, may form the basis for the certificate of compliance with the lead paint ban required of the manufacturer or private labeler.

This notice provides the criteria and process for Commission acceptance of accreditation of "third party" laboratories for testing to the lead paint ban (laboratories that are not owned, managed, or controlled by a manufacturer or private labeler of a children's product to be tested by the laboratory for certification purposes), "firewalled" laboratories (those that are owned, managed, or controlled by a manufacturer or private labeler of a children's product to be tested by the laboratory for certification purposes and that seek accreditation under the additional statutory criteria for "firewalled" laboratories), and laboratories owned or controlled in whole or in part by a government.

The requirements of this notice are effective upon its publication in the **Federal Register** and are exempted by CPSIA from the notice and comment rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553.<sup>4</sup>

Baseline accreditation of each category of laboratory to the International Organization for Standardization ("ISO") Standard ISO/IEC 17025:2005—General Requirements for the Competence of Testing and Calibration Laboratories—is required. The accreditation must be by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation—Mutual Recognition Arrangement ("ILAC-MRA") and the scope of the accreditation must include testing for

<sup>2</sup> Section 14(a)(2) of the CPSA as added by § 102(a)(2) of CPSIA requires that certification be based on testing of sufficient samples of the product, or samples that are identical in all material respects to the product.

<sup>3</sup> Of course, irrespective of certification, the children's product in question must comply with applicable CPSC requirements. See, e.g., CPSA § 14(h) as added by CPSIA § 102(b).

<sup>4</sup> CPSA § 14(a)(3)(G) as added by § 102(a)(2) of CPSIA exempts publication of this notice from the rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553, and from the Regulatory Flexibility Act, 5 U.S.C. 601-612.

compliance with the lead paint ban.<sup>5</sup> A laboratory owned or controlled by a manufacturer or private labeler of products to be tested by the laboratory is subject to additional requirements intended to assure that the Commission is immediately and confidentially notified of any attempt by the manufacturer, private labeler or other interested party to hide or exert undue influence over the laboratory's test results. A governmental laboratory may be accredited subject to additional requirements concerning independence of its relationship with the host government and freedom of manufacturers in the host country to elect to use accredited non-government laboratories for certification testing without suffering disadvantage.

The Commission has established an electronic accreditation registration and listing system that can be accessed via its Web site.

Although the accreditation requirements for testing to the lead paint ban in this notice are effective upon their publication in the **Federal Register**, the Commission solicits comments on the accreditation procedures as they apply to that testing and on the accreditation approach in general, since the Commission must publish additional testing accreditation procedures over the coming months.

**DATES: Effective Date:** The requirements for accreditation of laboratories for testing to the lead paint ban are effective upon publication of this notice in the **Federal Register**, that is September 22, 2008.

**Request For Comments:** Please provide comments in response to this notice by October 22, 2008. Comments on this notice should be captioned "Laboratory Accreditation Process for Lead Paint Ban Testing." Comments should be submitted to the Office of the Secretary by e-mail at [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov), or mailed or delivered, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814. Comments may also be filed by facsimile to (301) 504-0127.

**FOR FURTHER INFORMATION CONTACT:** Robert "Jay" Howell, Acting Assistant Executive Director for Hazard Identification and Reduction, U.S. Consumer Product Safety Commission,

<sup>5</sup> A description of the history and content of the ILAC-MRA approach and of the requirements of the ISO 17025:2005 laboratory accreditation standard is provided in the CPSC staff briefing memorandum Accreditation Requirements for Third Party Conformity Assessment Bodies to Test to the Lead Paint Requirements of 16 CFR Part 1303, September 2, 2008 available on the CPSC Web site at <http://cpsc.gov/library/foia/foia08/brief/thirdp.pdf>.

<sup>1</sup> On August 14, 2009, the 0.06 percent (600 ppm) lead limit is reduced to 0.009 percent (90 ppm). CPSIA § 101(a)(2)(B).