

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

RIN 0648-XA141

**Taking and Importing of Marine Mammals**

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

**ACTION:** Notice; affirmative finding issuance.

**SUMMARY:** The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) has issued a 5-year affirmative finding for the Government of Guatemala under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the International Dolphin Conservation Program (IDCP) by Guatemalan-flag purse seine vessels or purse seine vessels operating under Guatemalan jurisdiction to be imported into the United States. The affirmative finding was based on review of documentary evidence submitted by the Government of Guatemala and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the U.S. Department of State.

**DATES:** The affirmative finding is effective from April 1, 2010 through March 31, 2015.

**FOR FURTHER INFORMATION CONTACT:** Sarah Wilkin, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213; phone 562-980-3230; fax 562-980-4027.

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the IDCP and obligations of membership in the IATTC. Every 5 years, the government of the harvesting nation must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS will review the

affirmative finding and determine whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with IDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the IDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted by the Government of Guatemala and obtained from the IATTC and the Department of State and has determined that Guatemala has met the MMPA's requirements to receive an affirmative finding.

After consultation with the Department of State, the Assistant Administrator issued the Republic of Guatemala a 5-year affirmative finding, allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Guatemalan-flag purse seine vessels or purse seine vessels operating under Guatemalan jurisdiction. This affirmative finding for Guatemala will remain valid through March 31, 2015.

Dated: January 20, 2010.

**Eric C. Schwaab,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

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**CONSUMER PRODUCT SAFETY COMMISSION**

[Docket No. CPSC-2010-0080]

**Children's Products Containing Lead; Technological Feasibility of 100 ppm for Lead Content; Notice of Public Hearing**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of public hearing.

**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 Commission may make such a determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children's products. Through this notice, the Commission is announcing that it will conduct 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.

**DATES:** The public hearing will begin at 10 a.m. EST on February 16, 2011, and conclude the same day.

**ADDRESSES:** The public hearing will be held in the Hearing Room, 4th Floor of the Bethesda Towers Building, 4330 East West Highway, Bethesda, MD 20814.

**Online Registration and Webcast:** Members of the public who wish to attend the public hearing are requested to preregister online at <http://www.cpsc.gov/meetingsignup.html>. You may register until 5 p.m. EST on February 15, 2011. This public hearing also will be available live via webcast on February 16, 2011, at <http://www.cpsc.gov/webcast>. Registration is not necessary to view the webcast. A transcript will be made of the proceedings of the public hearing.

**Oral Presentations and Written Comments:** To make oral presentations, participants must preregister online. Presenters must also submit a request to make an oral presentation, and the written text of such comments captioned "100 PPM—Technological Feasibility Public Hearing" by electronic mail (email) to [cpSC-os@cpSC.gov](mailto:cpSC-os@cpSC.gov), or mailed or delivered to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, no later than 5 p.m. EST on February 10, 2011. Commenters should limit their presentations to approximately 15 minutes, exclusive of any periods of questioning by the Commissioners or CPSC staff. We may limit further the time for any presentation and impose restrictions to avoid excessive duplication of presentations.

Participants who are unable to make an oral presentation may submit written comments regarding the issues outlined under Supplementary Information captioned "100 PPM—Technological