

**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.*

[FR Doc. 2011-1631 Filed 1-25-11; 8:45 am]

**BILLING CODE 3510-22-P**

**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

Feasibility Public Hearing” by electronic mail (email) to [cpssc-os@cppsc.gov](mailto:cpssc-os@cppsc.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.

Any information submitted in writing and orally to the CPSC at the public hearing will become part of the public record.

**FOR FURTHER INFORMATION CONTACT:**

Concerning requests and procedures for oral presentations of comments:

Rockelle Hammond, Consumer Product Safety Commission, Bethesda, MD 20814; telephone: (301) 504-6833; email: [cpssc@cppsc.gov](mailto:cpssc@cppsc.gov). For all other matters: Dominique Williams, Consumer Product Safety Commission, Bethesda, MD 20814; telephone: (301) 504-7597; e-mail: [dwilliams@cpssc.gov](mailto:dwilliams@cpssc.gov).

**SUPPLEMENTARY INFORMATION:** Section 101(a)(2)(C) of the CPSIA (15 U.S.C. 1278a(a)(2)(C)) provides that, as of August 14, 2011, children’s products may not contain more than 100 parts per million (ppm) of lead unless the Commission determines that such a limit is not technologically feasible. The Commission may make this determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children’s products. Section 101(d) of the CPSIA (15 U.S.C. 1278a(d)) provides that a lead limit shall be deemed technologically feasible with regard to a product or product category if:

(1) A product that complies with the limit is commercially available in the product category;

(2) Technology to comply with the limit is commercially available to manufacturers or is otherwise available within the common meaning of the term;

(3) Industrial strategies or devices have been developed that are capable or will be capable of achieving such a limit by the effective date of the limit and that companies, acting in good faith, are generally capable of adopting; or

(4) Alternative practices, best practices, or other operational changes would allow the manufacturer to comply with the limit.

If the Commission determines that the 100 ppm lead content limit is not technologically feasible for a product or product category, section 101(a)(2)(D) of the CPSIA requires the Commission, by regulation, to establish the lowest amount below 300 ppm that it determines is technologically feasible. On July 27, 2010, we published a notice in the **Federal Register** (75 FR 43942)

requesting comments and information regarding the technological feasibility for manufacturers to meet the 100 ppm lead content limits. We received comments from consumer groups, manufacturers, retailers, associations, and laboratories regarding the technological feasibility of meeting the 100 ppm lead content limit. A number of commenters stated that some classes of materials will have difficulty meeting the 100 ppm lead content limit, including metal components and some glass and ceramic components. According to the commenters, source materials, including recycled materials for metal alloys, cannot comply consistently due to the variability of the materials. A few commenters contended that other materials, such as plastics, could comply if only virgin plastics are used.

However, some commenters stated that for all materials, there is significant variability among test results, even for identical products, due to variations in testing methodology and procedures, and that inter- and intra-laboratory variability must be addressed. Several commenters also stated that there are no demonstrable health benefits of reducing lead limits from 300 ppm to 100 ppm in light of the relative inaccessibility of lead that is bound in plastic or metal. Other commenters stated that there are children’s products in the market now that meet the 100 ppm lead content limits, and that it is not only possible, but also essential for the public health, to reduce lead in consumer products—particularly children’s products—to the lowest levels that are technologically feasible. We are still reviewing the comments and will consider them along with the additional information presented at the hearing.

Participants should not resubmit their comments, which were submitted in response to the July 27, 2010 notice. The Commission is seeking new or additional information that specifically addresses the issues outlined below in the public hearing that were not addressed in the earlier comments:

(1) Please identify any product or product category that already complies with the 100 ppm limit and describe the extent to which such product(s) or product categories are commercially available in the United States. We are interested especially in:

(a) Metal components in children’s products, how such metal components are sourced or obtained, and the extent to which lead is found in metals alloys even when it is not introduced intentionally;

(b) Plastic and non-metal materials in children’s products, how such plastic and non-metal materials are sourced or obtained, and the extent to which lead is found in such materials even when it is not introduced intentionally;

(c) Glass and ceramic materials in children’s products, how such glass and ceramic materials are sourced or obtained, and the extent to which lead is found in such materials even when it is not introduced intentionally; and

(d) What factors or considerations should we evaluate in deciding whether a product complying with the limit is “commercially available?”

(2) What technologies exist that would enable manufacturers to comply with the 100 ppm limit? In responding to this question, please describe the technology or technologies and the product or product category that would benefit.

(a) Please describe the extent to which the technology or technologies is commercially available or otherwise available to manufacturers.

(b) Section 101(d)(2) of the CPSIA states that the technology to comply with the limit is “commercially available to manufacturers or is otherwise available within the common meaning of the term.” What factors or considerations should we evaluate in deciding whether a technology is “commercially available” or “otherwise available within the common meaning of the term?”

(3) What industrial strategies or devices have been developed that are capable or will be capable of achieving a lead limit of 100 ppm by August, 2011?

(a) What barriers, if any, exist to prevent a company from adopting such an industrial strategy or device to achieve the desired limit?

(b) How might CPSC determine whether companies are acting in “good faith” as to their capabilities in adopting a particular industrial strategy or device?

(4) What alternative practices, best practices, or other operational changes exist that would allow the manufacturer to comply with the 100 ppm lead limit? What factors or considerations might encourage or deter manufacturers from adopting such practices or operational changes?

(5) What data on inter- and intra-laboratory variability and inter- and intra-lot variability exists? In responding to this question, it would be very helpful if the basis for such variability can be explained. For example, the sensitivity of a particular piece of laboratory equipment or the use

of a particular test method might lead to some variation in results.

(6) What health effects are associated with a reduction of the lead content limit from 300 ppm to 100 ppm? From 300 ppm to some other level above 100 ppm? In responding to these questions, published scientific or medical articles will be helpful.

Any information submitted in writing and orally to the CPSC at the public hearing will become part of the public record. The public hearing will begin at 10 a.m. EST on February 16, 2011, and will conclude the same day. This public hearing will also be available live via webcast on February 16, 2011, at <http://www.cpsc.gov/webcast>. Requests to present oral comments must be submitted to the Office of the Secretary no later than 5 p.m. EST on February 10, 2011. Written comments, or a written copy of the text of the oral comments, must be received 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 the CPSC staff. We may limit further the time for any presentation and impose restrictions to avoid excessive duplication of presentations. A transcript will be made of the proceedings of the public hearing. Access to the docket to read background documents, including a transcript of the public meeting, or comments received, will be made available at <http://www.regulations.gov> under Docket No. CPSC-2010-0080.

Dated: January 21, 2011.

**Todd A. Stevenson,**  
Secretary, Consumer Product Safety  
Commission.

[FR Doc. 2011-1658 Filed 1-25-11; 8:45 am]

**BILLING CODE 6355-01-P**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Comment request.

**SUMMARY:** The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection

requirements and provide the requested data in the desired format. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 28, 2011.

**ADDRESSES:** Comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or mailed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Please note that written comments received in response to this notice will be considered public records.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: January 20, 2011.

**Darrin A. King,**  
Director, Information Collection Clearance  
Division, Regulatory Information  
Management Services, Office of Management.

### Office of Planning, Evaluation and Policy Development

*Type of Review:* New.

*Title of Collection:* Language Instruction Educational Programs (LIEPs): Lessons from the Research and Profiles of Promising Programs.

*OMB Control Number:* Pending.

*Agency Form Number(s):* N/A.

*Frequency of Responses:* On Occasion.

*Affected Public:* Individuals or households; State, Local or Tribal Governments.

*Total Estimated Number of Annual Responses:* 330.

*Total Estimated Number of Annual Burden Hours:* 384.

**Abstract:** Language Instruction Educational Programs (LIEPs) refers to a systematic approach to the provision of services that support the development of English language proficiency and academic achievement among English learners. This exploratory study will describe LIEP characteristics that may influence the quality of programs delivered to English Learners (EL) in grades K through 12. The major purpose of this project is to gather data from the field that yields an initial portrait of well-designed and implemented LIEPs, and to provide practical guidance to local educators on selecting, designing, implementing and evaluating LIEPs. This is important because before this, there have been no systematic attempts to determine the characteristics of LIEPs for ELs in kindergarten through grade 12 and to describe contextual factors that contribute to their effectiveness.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 4488. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-401-0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Notice of Submission for OMB Review

**AGENCY:** Department of Education.

**ACTION:** Comment Request.

**SUMMARY:** The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB