

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

RIN: 0648-XQ66

**Fisheries of the South Atlantic; South Atlantic 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 South Atlantic Fishery Management Council will hold a meeting of its King and Spanish Mackerel (Mackerel) Advisory Panel in North Charleston, SC. See

**SUPPLEMENTARY INFORMATION.**

**DATES:** The meeting will take place August 18–19, 2009. See

**SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meeting will be held at the Hilton Garden Inn, 5265 International Boulevard, North Charleston, SC; telephone: (843) 308–9330.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; telephone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** Members of the Mackerel Advisory Panel will meet from 1 p.m. until 5 p.m. on August 18, 2009, and from 8:30 a.m. until 3 p.m. on August 19, 2009.

The Advisory Panel will review actions and management alternatives in draft Amendment 18 to the Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Resources (Mackerels) in the Gulf of Mexico and South Atlantic Region. The joint amendment is being prepared in order to meet the mandates of the Reauthorized Magnuson-Stevens Act, including the establishment of Maximum Sustainable Yield (MSY), Allowable Biological Catch (ABC) and Overfishing Levels (OFLs) as recommended by both the Gulf of Mexico Fishery Management Council's Scientific and Statistical Committee (SSC) and the South Atlantic Council's SSC, Annual Catch Limits (ACLs), Annual Catch Targets (ACTs) and Accountability Measures (AMs) for Gulf Migratory Group king mackerel, Gulf Migratory Group Spanish mackerel, South Atlantic Migratory Group king mackerel, South Atlantic Migratory

Group Spanish Mackerel, and cobia in both the Gulf of Mexico and South Atlantic. The amendment also includes alternatives for establishing a Gulf Migratory Group and South Atlantic Migratory Group for cobia, additions to Framework procedures that would include stock assessments through the Southeast Data, Assessment, and Review (SEDAR) stock assessment program, OFLs, ABCs, ACLs and possibly Annual Catch Targets (ACTs) to the list of items that can be modified through Framework actions, and an alternative to prohibit the sale of recreational bag limit Atlantic Migratory Group king mackerel.

The AP will provide recommendations to the Council regarding the alternatives in the draft amendment. The Gulf of Mexico Fishery Management Council is taking the lead in development of joint Amendment 18.

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 Fishery Conservation and Management 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 auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Dated: July 29, 2009.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E9–18410 Filed 7–31–09; 8:45 am]

**BILLING CODE 3510–22–S**

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

RIN: 0648-XQ68

**Gulf of Mexico 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 Gulf of Mexico Fishery Management Council will convene a meeting of the ABC Control Rule Workgroup.

**DATES:** The meeting will convene at 1 p.m. on Monday, August 17, 2009 and conclude by 3 p.m. on Tuesday, August 18, 2009.

**ADDRESSES:** The meeting will be held at the Quorum, 700 N. Westshore Blvd, Tampa, FL 33609, telephone: (813) 289–8200.

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

**FOR FURTHER INFORMATION CONTACT:**

Steven Atran, Population Dynamics Statistician; Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

**SUPPLEMENTARY INFORMATION:** The ABC Control Rule Workgroup will meet to begin the process of developing a structured decision making framework to assist in assessing scientific uncertainty, the probability of overfishing, and acceptable levels of risk when setting acceptable biological catch (ABC). The working group includes Council members, Council staff, NOAA staff, and members of the Scientific and Statistical Committee (SSC). Under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the SSC is charged with setting ABC levels for managed stocks that account for scientific uncertainty in the estimate of the overfishing limit (OFL) and any other scientific uncertainty. Determining an acceptable level of risk of overfishing when setting ABC is a policy issue that requires input from both scientists and managers. The meeting will include discussions on the Magnuson-Stevens Act National Standard 1 guidelines, sources of scientific uncertainty, approaches to developing control rules for setting ABC including decision trees and analytical methods, and scheduling of future actions by the working group.

Copies of the agenda and other related materials can be obtained by calling (813) 348–1630.

Although other non-emergency issues not on the agenda may come before the ABC Control Rule Workgroup 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 ABC Control Rule Workgroup will be

restricted to those issues specifically identified in the agenda 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

This meeting is 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**) at least 5 working days prior to the meeting.

Dated: July 29, 2009.

**Tracey L. Thompson,**

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

[FR Doc. E9-18403 Filed 7-31-09; 8:45 am]

**BILLING CODE 3510-22-S**

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSA Docket No. 09-C0022]

### Downeast Concepts, Inc., Provisional Acceptance of a Settlement Agreement and Order

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with Downeast Concepts, Inc., containing a civil penalty of \$30,000.00.

**DATES:** Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by August 18, 2009.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 09-C0022, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 502, Bethesda, Maryland 20814-4408.

**FOR FURTHER INFORMATION CONTACT:** M. Reza Malihi, Trial Attorney, Division of Compliance, Office of the General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408;

telephone (301) 504-7733 or Neal S. Cohen, Trial Attorney, (same address); telephone (301) 504-7504.

**SUPPLEMENTARY INFORMATION:** The text of the Agreement and Order appears below.

Dated: July 28, 2009.

**Todd A. Stevenson,**  
*Secretary.*

### United States of America—Consumer Product Safety Commission

In the Matter of Downeast Concepts, Inc., CPSA Docket No. 09-C0022.

#### Settlement Agreement

1. In accordance with 16 CFR 1118.20, Downeast Concepts, Inc. ("*Downeast*") and the staff ("*Staff*") of the United States Consumer Product Safety Commission ("*CPSC*" or the "*Commission*") enter into this Settlement Agreement ("*Agreement*"). The Agreement and the incorporated attached Order ("*Order*") settle the Staff's allegations set forth below.

#### Parties

2. The Commission is an independent Federal regulatory agency established pursuant to, and responsible for the enforcement of, the Consumer Product Safety Act, 15 U.S.C. 2051-2089 ("*CPSA*").

3. Downeast is a corporation organized and existing under the laws of Maine, with its principal offices located in Yarmouth, Maine. At all times relevant hereto, Downeast imported and/or sold painted metal water bottles.

#### Staff Allegations

4. Between February 2006 and February 2007, Downeast imported into the United States about 18,000 units of metal water bottles, marketed under the "Backyard and Beyond" brand and painted with assorted animal and insect graphics on the exterior (Model Numbers: 60442, 60448, 67402, 67404, 67442, 67444, 67742, 67744, 67748 and 67748 ("*Bottle(s)*"). Downeast distributed most of the subject products to major retailers, gift shops, convenience stores, mass merchandise and drug stores nationwide from February 2006 through January 2008 and said products were then sold for about \$8.00 per unit.

5. The Bottles are "consumer product(s)," and, at all times relevant hereto, Downeast was a "manufacturer" of those consumer product(s), which were "distributed in commerce," as those terms are defined in CPSA sections 3(a)(3), (5), (8), and (11), 15 U.S.C. §§ 2052(a)(3), (5), (8), and (11).

6. The Bottles are articles intended to be entrusted to or for use by children, and, therefore, are subject to the requirements of the Commission's Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint, 16 CFR part 1303 (the "*Ban*"). Under the Ban, toys and other children's articles must not bear "lead-containing paint," defined as paint or other surface coating materials whose lead content is more than 0.06 percent of the weight of the total nonvolatile content of the paint or the weight of the dried paint film. 16 CFR 1303.2(b)(1).

7. Downeast reported to CPSC on January 25, 2008 that recent testing of samples of the Bottles by an independent laboratory had demonstrated that various colors of paints used to create the designs on the outside surface of the Bottles contained a total lead content ranging from 0.07 percent to as high as 59.78 percent. These levels of lead are in excess of the permissible 0.06 percent limit set forth in the Ban.

8. On March 25, 2008, the Commission and Downeast announced a consumer-level recall of about 18,000 units of the Bottles because "Surface paint on the metal water bottles contains excessive levels of lead, violating the Federal lead paint standard."

9. Although Downeast reported no incidents or injuries associated with the Bottles, it failed to take adequate action to ensure that none would bear or contain lead-containing paint, thereby creating a risk of lead poisoning and adverse health effects to children.

10. The Bottles constitute "banned hazardous products" under CPSA section 8 and the Ban, 15 U.S.C. 2057 and 16 CFR 1303.1(a)(1), 1303.4(b), in that they bear or contain paint or other surface coating materials whose lead content exceeds the permissible limit of 0.06 percent of the weight of the total nonvolatile content of the paint or the weight of the dried paint film.

11. Between February 2006 and January 2008, Downeast manufactured for sale, distributed in commerce, or imported into the United States, or caused one or more of such acts, with respect to the aforesaid banned hazardous Bottles, in violation of section 19(a)(1) of the CPSA, 15 U.S.C. 2068(a)(1). Downeast committed these prohibited acts "knowingly," as that term is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

12. Pursuant to section 20 of the CPSA, 15 U.S.C. 2069, Downeast is subject to civil penalties for the aforementioned violations.

#### Downeast's Responsive Allegations

13. Downeast denies the Staff's allegations set forth above that Downeast knowingly violated the CPSA.

#### Agreement of the Parties

14. Under the CPSA, the Commission has jurisdiction over this matter and over Downeast.

15. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by Downeast, or a determination by the Commission, that Downeast has knowingly violated the CPSA.

16. In settlement of the Staff's allegations, Downeast shall pay a civil penalty in the amount of thirty thousand dollars (\$30,000.00). The civil penalty shall be paid within twenty (20) calendar days of service of the Commission's final Order accepting the Agreement. The payment shall be made by check payable to the order of the United States Treasury.

17. Upon the Commission's provisional acceptance of the Agreement, the Agreement shall be placed on the public record and published in the **Federal Register** in accordance with the procedures set forth in