

based on outcomes of the laboratory's conformity assessments.

The Commission will accept the accreditation of a governmental laboratory if it meets the baseline accreditation requirements of section I.A and meets the conditions stated here. To obtain this assurance, CPSC staff will engage the governmental entities relevant to the accreditation request.

## II. How Does a Laboratory Apply for Acceptance of Its Accreditation?

The Commission has established an electronic accreditation acceptance and registration system accessed via the Commission's Internet site at <http://www.cpsc.gov/businfo/labaccred.html>. The applicant provides, in English, basic identifying information concerning its location, the type of accreditation it is seeking, and electronic copies of its ILAC-MRA accreditation certificate and scope statement and firewalled laboratory training document(s), if relevant. Commission staff reviews that submission for accuracy and completeness. In the case of baseline third party laboratory accreditation and accreditation of governmental laboratories, when that review and any necessary discussions with the applicant are satisfactorily completed, the laboratory in question is added to the CPSC listing of accredited laboratories at <http://www.cpsc.gov/businfo/labaccred.html>. In the case of a firewalled laboratory seeking accredited status, when the review is complete, the staff transmits its recommendation on accreditation to the Commission for consideration.<sup>6</sup> If the Commission accepts a staff recommendation to accredit a firewalled laboratory, that laboratory will then be added to the CPSC list of accredited laboratories. In each case, the Commission will electronically notify the laboratory of acceptance of its accreditation. All information to support an accreditation acceptance request must be provided in the English language.

Subject to the limited provisions for acceptance of "retrospective" testing performed by other than accredited firewalled laboratories noted in section III. below, once the Commission adds a laboratory to the list, the laboratory may then commence testing of children's products to support certification of compliance with the small parts

regulations by the manufacturer or private labeler.

## III. Limited Acceptance of Children's Product Certifications Based on Third Party Laboratory Testing Prior to Commission Acceptance of Accreditation

The Commission will accept a certificate of compliance with the small parts requirements based on testing performed by an accredited third party or governmental laboratory on or after May 16, 2008 (90 days prior to August 14, 2008, the date on which CPSIA was enacted) and thus prior to the Commission's acceptance of the laboratory's accreditation if:

- The laboratory was ISO/IEC 17025 accredited by an C-MRA member at the time of the test;
- The accreditation scope in effect for the laboratory at that time expressly included testing to 16 CFR part 1501;
- The laboratory's accreditation application is accepted by the Commission under the procedures of this notice not later than January 20, 2009; and
- The laboratory's accreditation and inclusion of the small parts requirements in its scope remains in effect through the effective date for mandatory third party testing and manufacturer/private labeler certification for small parts.

Testing performed by a firewalled laboratory prior to Commission acceptance of its accreditation cannot be used as the basis for certification by a manufacturer or private labeler with a 10 percent or greater ownership interest in the laboratory pursuant to CPSA § 14(a)(3)(B)(ii) of compliance with the small parts regulations.

Dated: November 12, 2008.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

#### Establishment of Department of Defense Federal Advisory Committees

**AGENCY:** Department of Defense.

**ACTION:** Notice; Establishment of Federal Advisory Committee.

**SUMMARY:** Under the provisions of section 1082 of Public Law 110-181, the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Sunshine in the Government Act of

1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.65, the Department of Defense gives notice that it is establishing the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents (hereafter referred to as the Panel).

The Panel is a non-discretionary federal advisory committee established under the authority of section 1082 of Public Law 110-181 and 41 CFR 102-3.50(a) to carry out an assessment of the capabilities of the Department of Defense to provide support to U.S. civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

The Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents is required by statute to submit a report within 12 months of its findings and recommendations. The report will be submitted to the Secretary of Defense and the Committees on Armed Services on the Senate and the House of Representatives.

The Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents shall be composed of a chairperson and no more than nineteen additional members who have expertise in the legal, operational, and organizational aspects of the management of the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

Panel members appointed by the Secretary of Defense, who are not full-time or permanent part-time employees of the federal government, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 and, with the exception of travel and per diem for official travel, they shall serve without compensation. These experts and consultants shall serve as special government employees.

The Department of Defense intends to authorize the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents to establish and use subcommittees, and the Panel, to include any subcommittees, will operate under the provisions of the Federal Advisory Committee Act of 1972, the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR, Parts 102-3 through 102-3.185.

Such subcommittees or workgroups shall not work independently of the chartered Panel, and shall report all their recommendations and advice to the Panel for full deliberation and discussion. Subcommittees or workgroups have no authority to make

<sup>6</sup> A laboratory that may ultimately seek acceptance as a firewalled laboratory could initially request acceptance as a third party laboratory accredited for testing of children's products other than those of its owners.

decisions on behalf of the chartered Panel nor can they report directly to the Department of Defense or any federal officers or employees who are not Panel Members.

**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, Deputy Committee Management Officer for the Department of Defense, 703-601-6128.

**SUPPLEMENTARY INFORMATION:** The Panel shall meet at the call of the Panel's Designated Federal Officer, in consultation with the Panel's chairperson. The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer or duly appointed Alternate Designated Federal Officer shall attend all committee meetings and subcommittee meetings.

Pursuant to 41 CFR 102-3.105(j) and 102-3.140, the public or interested organizations may submit written statements to the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents membership about the Panel's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents.

All written statements shall be submitted to the Designated Federal

Officer for the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents' Designated Federal Officer, once appointed, may be obtained from the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

The Designated Federal Officer, pursuant to 41 CFR 102-3.150, will announce planned meetings of the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: November 7, 2008.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**U.S. Nuclear Command and Control System Comprehensive Review Advisory Committee**

**AGENCY:** Department of Defense.

**ACTION:** Notice of meeting.

**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. paragraph 552b, as amended), and 41 CFR paragraph 102-3.150, the Department of Defense announces the following Federal Advisory Committee meetings of the U.S. Nuclear Command and Control System Comprehensive Review Advisory Committee will take place.

**DATES:** December 3, 2008 (0830-1630), and December 4, 2008 (0830-1700).

**ADDRESSES:** Pentagon Conference Center.

**FOR FURTHER INFORMATION CONTACT:** Mr. William L. Jones, (703) 681-8681, U.S. Nuclear Command and Control System Support Staff (NSS), Skyline 3, 5201 Leesburg Pike, Suite 500, Falls Church, Virginia 22041.

**SUPPLEMENTARY INFORMATION:**

*Purposes of the Meetings:* For the Federal Advisory Committee to be provided reports of the findings and recommendations of each of its twelve Research Groups.

**AGENDA**

Time	Topic	Presenter
<b>December 3, 2008—Pentagon Conference Center</b>		
8:30 a.m. ....	Administrative Remarks .....	CAPT Budney, USN (NSS).
8:45 a.m. ....	Physical and Personnel Security.	
9:45 a.m. ....	Recapture/Recovery.	
10:45 a.m. ....	Break.	
11 a.m. ....	Accident/Incident Response.	
12 p.m. ....	Lunch.	
1 p.m. ....	Warhead and Stockpile Management.	
2 p.m. ....	Information Assurance.	
3:15 p.m. ....	Break.	
3:30 p.m. ....	Weapons Delivery.	
4:30 p.m. ....	Adjourn.	
<b>December 4, 2008—Pentagon Conference Center</b>		
8:30 a.m. ....	Administrative Remarks .....	CAPT Budney, USN (NSS).
8:45 a.m. ....	Force Planning.	
9:45 a.m. ....	Force Management and Direction.	
10:45 a.m. ....	Break.	
11 a.m. ....	Situational Awareness/ITW/AA.	
12 p.m. ....	Lunch.	
1 p.m. ....	Communications.	
2 p.m. ....	Threat/Intelligence.	
3:15 p.m. ....	Break.	
3:30 p.m. ....	Crisis Support (closed session).	
4:30 p.m. ....	Executive Session—Final Report Outline .....	Dr. Weinstein.