

that the proposal is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status for activity related to the manufacturing and distribution of specialty elastomers and fire retardant chemicals at the facility of Materials Science Technology, Inc., located in Conroe, Texas (Subzone 265C), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 22nd day of June 2010.

**Paul Piquado**

*Acting Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

ATTEST: \_\_\_\_\_

**Elizabeth Whiteman,**

*Acting Executive Secretary.*

[FR Doc. 2010-16914 Filed 7-9-10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XR52**

#### Marine Mammals; File No. 14534

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that NOAA Office of Science and Technology, Silver Spring, MD (Responsible Party: Ned Cyr, Director) has been issued a permit to conduct research on marine mammals in the North Pacific Ocean.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:** Tammy Adams or Carrie Hubard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On September 11, 2009, notice was published in the **Federal Register** (74

FR 46745) that a request for a permit to conduct research on a variety of marine mammals had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The permit allows research on a variety of marine mammals, and involves studies of sound production, diving, responses to sound, and other behavior. The research is focused in the waters within the U.S. Navy's Southern California Range Complex, and primarily near the vicinity of San Clemente Island. The experimental design involves temporarily attaching individual recording tags to measure vocalization, behavior, and physiological parameters as well as sound exposure. Behavior will be measured before, during, and after carefully controlled exposures of sound in conventional playback experiments. The permit is valid for five years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment (EA) was prepared analyzing the effects of the permitted activities on the human environment. Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on June 29, 2010.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 6, 2010.

**Tammy C. Adams,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2010-16920 Filed 7-9-10; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XX38**

#### Marine Mammals; File No. 14791

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Douglas Nowacek, Ph.D., Duke University Marine Lab, Beaufort, NC, 28516, has been issued a permit to conduct research on North Atlantic right whales (*Eubalaena glacialis*).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 713-0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328; fax (978) 281-9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727) 824-5312; fax (727) 824-5309.

**FOR FURTHER INFORMATION CONTACT:** Kate Swails or Carrie Hubard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On November 24, 2009, notice was published in the **Federal Register** (74 FR 61331) that a request for a permit to conduct research had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The primary research objective is to determine: (1) the natural behavioral patterns right whales exhibit to approaching vessels and (2) the ability of right whales to localize and detect vessels and other sounds in their environment. Researchers will conduct passive recording, attach a digital sound recording tag (DTAG) via suction cup, and collect samples of exhaled air and sloughed skin on up to 40 right whales

per year. Up to 90 right whales may be incidentally harassed during the research. The research will take place along the eastern seaboard of the U.S. and the permit is issued for five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment (EA) was prepared analyzing the effects of the permitted activities on the human environment. Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on July 1, 2010.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 6, 2010.

**Tammy C. Adams,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2010-16921 Filed 7-9-10; 8:45 am]

**BILLING CODE 3510-22-S**

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## CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2010-0071]

### Petition Requesting Revision of Bunk Bed Standard To Incorporate Requirements for Head and Neck Entrapment Testing in Spaces Created by Side Structures, Including Ladders

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Consumer Product Safety Commission ("Commission," "CPSC," or "we") received a petition requesting the Commission to initiate a rulemaking to revise the Commission's regulations regarding bunk beds, codified under both the Consumer Product Safety Act ("CPSA") and the Federal Hazardous Substances Act ("FHSA") at 16 CFR 1213, 1500, and 1513 (the "Bunk Bed Standard"), to incorporate requirements for head and neck entrapment testing in spaces created by side structures that are provided with a bunk bed, including ladders. The Commission invites written comments concerning this

petition to initiate a rulemaking to revise the Bunk Bed Standard.

**DATES:** Comments on the petition must be received by September 10, 2010.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC-2010-0071, by any of the following methods:

Submit electronic comments in the following way:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (e-mail) except through <http://www.regulations.gov>.

Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

*Instructions:* All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Rocky Hammond, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland, 20814; telephone (301) 504-6833, e-mail [rhammond@cpsc.gov](mailto:rhammond@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

The Commission received a petition from Carol Pollack-Nelson, PhD of Independent Safety Consulting ("Petitioner") requesting that the Commission initiate a rulemaking to revise the regulations related to bunk beds, codified at 16 CFR parts 1213, 1500, and 1513 ("Bunk Bed Standard"), to incorporate requirements for head and neck entrapment testing in spaces created by side structures that are provided with a bunk bed, including ladders. The Commission regulates bunk beds under both the Federal Hazardous Substances Act ("FHSA") (16 CFR 1500 and 1513), for bunk beds

intended for use by children, and the Consumer Product Safety Act ("CPSA") (16 CFR 1213), for bunk beds not specifically intended for children. The regulations under both statutes are virtually identical.

Petitioner acknowledges that the risk of injury caused by head and neck entrapment in the end structures of bunk beds is quite low in compliant products because of the Bunk Bed Standard, but argues that same risk of injury continues to exist with regard to the space between a ladder and the side of the bed, which the standard does not address. The petition identifies 3 fatalities, and 4 other incidents of children whose head and/or neck were entrapped between the side of the bed and a bunk bed ladder. The hazard purportedly arises from the potential that a child's neck may become entrapped if the "child's head is able to pass (partially) through the space created by a horizontal ladder rung and the top of the mattress. [and] the neck \* \* \* drop[s] into the gap between the vertical ladder post and the side of the mattress \* \* \*. Further contributing to the hazard pattern is the fact that the child's chin hooks over the vertical post of the ladder and is pinned at the back of the head by the mattress. The weight of the body outside the bed pulls the head and neck against the vertical ladder post. All of these factors together contribute to the neck entrapment and resulting strangulation." Petitioner states that assessing the entrapment hazard requires use of a neck probe that simulates the dimensions of the smallest user's neck. Using anthropometry data collected on children in the United States, the Petitioner argues that any space greater than 1.9 in (4.8 cm) can pose a risk of neck entrapment in bunk bed side structures.

Petitioner concludes that, while the hazard of head and neck entrapment on bunk beds and the methods of testing for a potential hazard are known to the industry, and data on injuries involving side structures have been on record with the CPSC for decades, the hazard of side structure entrapments on bunk beds has not been addressed in the Bunk Bed Standard. Petitioner argues that deaths have occurred and will continue to occur unless the Bunk Bed Standard is revised to include testing for head and neck entrapment in spaces created by side structures.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-6833. The petition