

policy on exports and reexports of goods and technology to the PRC.

The proposed amendments include a revision to the licensing review policy for items controlled on the Commerce Control List (CCL) for reasons of national security, including a new control based on knowledge of a military end-use on exports to the PRC of certain CCL items that otherwise do not require a license to the PRC. The items subject to this license requirement will be set forth in a list. This rule further proposes to revise the licensing review policy for items controlled for reasons of chemical and biological proliferation, nuclear nonproliferation, and missile technology for export to the PRC, requiring that applications involving such items be reviewed in conjunction with the revised national security licensing policy.

This rule proposes the creation of a new authorization for validated end-users in certain destinations, including the PRC, to whom certain, specified items may be exported or reexported. Such validated end-users would be placed on a list in the EAR after review and approval by the United States Government.

Finally, this rule proposes to require exporters to obtain End-User Certificates, issued by the PRC Ministry of Commerce, for all items that both require a license to the PRC for any reason and exceed a total value of \$5,000. The current PRC End-Use Certificate applies only to items controlled for national security reasons. This rule also proposes to eliminate the current requirement that exporters submit PRC End-User Certificates to BIS with their license applications but provides that they must retain them for five years.

**Bernard Kritzer,**

*Acting Deputy Assistant Secretary for Export Administration.*

[FR Doc. E6-10753 Filed 7-10-06; 8:45 am]

BILLING CODE 3510-33-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 070506D]

RIN 0648-AU25

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Regional Administrator, Southwest Region, NMFS has made a preliminary determination that an application for an exempted fishing permit (EFP) warrants further consideration. The application was submitted to NMFS by the Federation of Independent Seafood Harvesters (FISH), requesting an exemption from the fishing prohibitions within the Pacific Leatherback Conservation Area in the exclusive economic zone (EEZ) off California and Oregon. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Highly Migratory Species (HMS) Fishery Management Plan (FMP). However, further review and consultation is necessary before a final determination is made to issue the EFP. Therefore, NMFS proposes to review the EFP and requests public comment on the application.

**DATES:** Comments must be received by August 10, 2006.

**ADDRESSES:** You may submit comments on this notice, identified by "I.D. 070506D" by any of the following methods:

- E-mail: 0648-AU25.SWR@noaa.gov. Include the I.D. number in the subject line of the message.
- Mail: Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.
- Fax: (562) 980-4047.

**FOR FURTHER INFORMATION CONTACT:**

Mark Helvey, Southwest Region, NMFS, (562) 980-4040.

**SUPPLEMENTARY INFORMATION:** An application for an EFP was submitted by FISH on April 16, 2006. The EFP would exempt a limited number of drift gillnet federally permitted commercial fishing vessels from the following requirement of the FMP: prohibition on fishing drift gillnet gear from August 15 through November 15 in the area as specified at 50 CFR 660.713(c)(1).

At its June 2005 meeting, the Council directed its HMS Management Team (MT) and HMS Advisory Subpanel (AS) to begin developing proposals to change the Federal regulatory structure for the drift gillnet (DGN) fishery. It was determined that there was insufficient information available to support a regulatory amendment eliminating the Pacific leatherback conservation area closure. FISH applied for an EFP that is intended as a means to gather

information under controlled conditions, specifically about levels of fishing effort that would occur and the impact of that fishing to leatherback sea turtles. The HMS MT developed a suite of alternatives for the EFP and prepared a draft Environmental Assessment (EA). In March 2006, the Council adopted a preferred alternative for conditioning the EFP and forwarded that alternative to NMFS, recommending that the agency review the proposed EFP and, if consistent with Federal law, issue the permit.

The EFP would authorize approximately 30 vessels to fish from August 15, 2006, to November 15, 2006, in an area off the U.S. West Coast of California and Oregon defined as the Pacific Leatherback Conservation Area within the Federal EEZ. The EFP would allow a maximum of 300 DGN sets, and would require 100 percent observer coverage for all fishing under the EFP. The fishery would be managed through limits on the amount of incidental take of protected species. The proposed EFP would impose a limit of two leatherback sea turtles that may be incidentally taken during the course of fishing under the EFP and limit to one the number of serious injuries or mortalities to humpback whale (*Megaptera novaeangliae*), short-finned pilot whale (*Globicephala macrorhynchus*), or sperm whale (*Physeter macrocephalus*). If any one of these limits is reached by the fishery authorized by the EFP, the EFP would be immediately revoked.

Aside from the exemption described above, vessels fishing under the EFP would be subject to all other regulations implementing the HMS FMP, including measures to protect sea turtles, marine mammals, and sea birds.

The EFP application is for 2006 only. The applicant has requested preliminary consideration by the Council of a similar EFP fishery in 2007. Pending results of the 2006 EFP fishery, the EFP may be renewed in 2007, however a final decision will not be made until summer of 2007.

In accordance with NOAA Administrative Order 216-6, an appropriate National Environmental Policy Act document will be completed prior to the issuance of the EFP. A draft EA on the EFP was presented to the Council and public in March 2006. Further review and consultation is necessary before a final determination is made to issue the EFP. As required in Section 7(a)(2) of the Endangered Species Act (16 U.S.C. § 1531 *et seq.*), NMFS is engaged in formal consultation to determine if the proposed action is likely to jeopardize the continued existence and recovery of any

endangered or threatened species or result in the destruction or adverse modification of critical habitat.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 6, 2006.

**James P. Burgess,**

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

[FR Doc. E6-10770 Filed 7-10-06; 8:45 am]

**BILLING CODE 3510-22-S**

## CONSUMER PRODUCT SAFETY COMMISSION

### Proposed Collection; Comment Request; Clothing Textiles, Vinyl Plastic Film

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Consumer Product Safety Commission requests comments on a proposed extension of approval of a collection of information from manufacturers and importers of clothing, and textiles and related materials intended for use in clothing. This collection of information is required in regulations implementing the Standard for the Flammability of Clothing Textiles (16 CFR part 1610) and the Standard for the Flammability of Vinyl Plastic Film (16 CFR part 1611). These regulations establish requirements for testing and recordkeeping for manufacturers and importers who furnish guaranties for products subject to the flammability standards for clothing textiles and vinyl plastic film. The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget.

**DATES:** Written comments must be received by the Office of the Secretary not later than September 11, 2006.

**ADDRESSES:** Written comments should be captioned "Clothing Textiles and Film, Collection of Information" and e-mailed to the Office of the Secretary at [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov), or mailed to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland, 20814. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127.

**FOR FURTHER INFORMATION CONTACT:** For information about the proposed extension of the collection of information, or to obtain a copy of 16

CFR parts 1610 and 1611, call or write Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland; telephone (301) 504-7671; e-mail [lglatz@cpsc.gov](mailto:lglatz@cpsc.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Clothing and fabrics intended for use in clothing (except children's sleepwear in sizes 0 through 14) are subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610). Clothing made from vinyl plastic film and vinyl plastic film intended for use in clothing (except children's sleepwear in sizes 0 through 14) are subject to the Standard for the Flammability of Vinyl Plastic Film (16 CFR part 1611). These standards prescribe a test to assure that articles of wearing apparel, and fabrics and film intended for use in wearing apparel, are not dangerously flammable because of rapid and intense burning. (Children's sleepwear and fabrics and related materials intended for use in children's sleepwear in sizes 0 through 14 are subject to other, more stringent flammability standards, codified at 16 CFR parts 1615 and 1616.) The flammability standards for clothing textiles and vinyl plastic film were made mandatory by the Flammable Fabrics Act of 1953 (FFA) (Pub. L. 83-88, 67 Stat. 111; June 30, 1953).

Section 8 of the FFA (15 U.S.C. 1197) provides that a person who receives a guaranty in good faith that a product complies with an applicable flammability standard is not subject to criminal prosecution for a violation of the FFA resulting from the sale of any product covered by the guaranty. Section 8 of the FFA requires that a guaranty must be based on "reasonable and representative tests." The Commission estimates that about 1,000 manufacturers and importers of clothing, and of textiles and vinyl film intended for use in clothing, issue guaranties that the products they produce or import comply with the applicable standard.

##### B. Testing and Recordkeeping

Regulations implementing the flammability standards for clothing textiles and vinyl plastic film prescribe requirements for testing and recordkeeping by firms that issue guaranties. See 16 CFR part 1610, subpart B, and 16 CFR part 1611, subpart B.

The Commission uses the information compiled and maintained by firms that issue these guaranties to help protect the public from risks of injury or death associated with clothing and fabrics and

vinyl film intended for use in clothing. More specifically, the information helps the Commission arrange corrective actions if any products covered by a guaranty fail to comply with the applicable standard in a manner that creates a substantial risk of injury or death to the public. The Commission also uses this information to determine whether the requisite testing was performed to support the guaranties.

The Office of Management and Budget (OMB) approved the collection of information in the enforcement regulations implementing the standards for clothing textiles and vinyl plastic film under control number 3041-0024. OMB's most recent extension of approval will expire on September 30, 2006. The Commission proposes to request an extension of approval without change for the collection of information in those regulations.

##### C. Estimated Burden

The Commission staff estimates that about 1,000 firms that manufacture or import products subject to the flammability standards for clothing textiles and vinyl plastic film issue guaranties that the products they produce or import comply with the applicable standard. The Commission staff estimates that these standards and implementing regulations will impose an average annual burden of about 101.6 hours on each of those firms. That burden will result from conducting the testing and maintaining records required by the implementing regulations. The total annual burden imposed by the standards and regulations on all manufacturers and importers of clothing textiles and vinyl plastic film will be about 101,600 hours.

The hourly wage for the testing and recordkeeping required by the standards and regulations is about \$42.84, for an estimated annual cost to the industry of nearly \$4.4 million.

##### D. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- Whether the estimated burden of the proposed collection of information is accurate;