



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
**NORTHEAST REGION**  
One Blackburn Drive  
Gloucester, MA 01930-2298

October 6, 2006

### **SMALL ENTITY COMPLIANCE GUIDE**

Dear Permit Holder:

This letter is to inform you that the National Marine Fisheries Service (NMFS) has established a new Vessel Monitoring Systems (VMS) Reimbursement Program. This program is for vessel owners and/or operators who purchased a Mobile Transmitter Unit or Enhanced-Mobile Transmitter Unit (unit) to comply with fishery regulations requiring the use of a Vessel Monitoring System (VMS) that became effective **after** October 1, 2005. Approximately \$4.5 million in grant funds for fiscal year 2006 has been allocated to this program. The funds will be used to reimburse vessel owners and/or operators for the **purchase** price of the unit.

Reimbursement for the purchase price of the device is only available for those fisheries that require the use of VMS. To be eligible for the reimbursement, the owner and/or operator must hold a valid commercial fishery permit in compliance with the associated fishery regulations. There is no restriction as to which type-approved device can be purchased. However, the amount of reimbursement will be limited to the cost of the least expensive unit that is type-approved for their permitted fishery. Currently, in the Northeast Region, there are three approved VMS vendors: SkyMate, Boatracs and Thrane & Thrane.

In order to receive reimbursement, a vessel owner and/or operator must have the unit properly installed on the vessel and activated utilizing a type-approved communications provider. After the unit is properly installed and activated, the vessel owner and/or operator must contact the VMS Support Center, NOAA Fisheries Office of Law Enforcement, to ensure the vessel is properly registered in the VMS system. The Office of Law Enforcement does not consider a vessel in compliance until a signal has been received from the unit and processed by the Office of Law Enforcement.

Once a vessel owner and/or operator has validated compliance with the VMS Support Center, the owner and/or operator must contact the Pacific States Marine Fisheries Commission (PSMFC) to obtain a reimbursement application. Once completed, the application must be returned to PSMFC along with (1) proof of a valid commercial fishing permit for the fishery requiring VMS, (2) proof of purchase and the purchase price of the unit, and (3) a valid compliance confirmation code issued by the Office of Law Enforcement.

As a further requirement, the vessel owner and/or operator must not be in arrears with any payment owed to the Agency for a civil monetary penalty. If a reimbursement request is denied for failure to



pay a penalty, the applicant may become eligible for the reimbursement by paying the penalty in full within 30 days of the denial of the reimbursement. After payment, the owner and/or operator must contact the VMS Support Center and provide documentation that payment has been received by the agency to receive a confirmation code for reimbursement purposes.

The Reimbursement Program was announced in the Federal Register on July 21, 2006. An amendment to the notice with additional information was published in the Federal Register on July 28, 2006. Both Federal Register notices are attached to this letter. These notices may also be found on our website at [www.nero.noaa.gov](http://www.nero.noaa.gov), under the “Features/Hot News” section.

The following information provides additional details of the Reimbursement Program as it relates to requirements in the NMFS Northeast Region:

**Framework Adjustment 17 (FW17) to the general category scallop fishery.** An owner and/or operator who purchased an approved VMS to comply with FW17, which became effective on December 1, 2005, are eligible for reimbursement. Purchases made on or after February 1, 2005, when the New England Fishery Management Council adopted FW17, meet the eligibility criteria.

**Least-expensive type-approved unit.** The Boatracs unit (up to \$3095.00 purchase price), as a complete operating unit when purchased, is considered to be the least expensive unit for purposes of determining the maximum amount of reimbursement. Eligible owners and/or operators who purchased a SkyMate unit will be reimbursed for the SkyMate equipment only (which does not include the cost of the personal computer). Eligible owners and/or operators who purchased a Thrane & Thrane unit will be reimbursed up to the cost of the Boatracs unit.

**Framework Adjustment 42 (FW42) to the multispecies fishery.** An owner and/or operator who purchases a unit to comply with FW42, is eligible for reimbursement under this program. Purchases made on or after February 1, 2006, when the New England Fishery Management Council adopted FW42, meet the eligibility criteria. An owner and/or operator may contact the VMS Support Center to determine their eligibility and begin processing the necessary paperwork; a confirmation code will be issued when their registration process is completed. The owner and/or operator may then submit their application with the required attachments and receive reimbursement.

**Outlook for fiscal year 2007 (FY07).** Congress is considering additional reimbursement funding for FY07, but there is no guarantee that future funding will be available.

#### **Contact Information.**

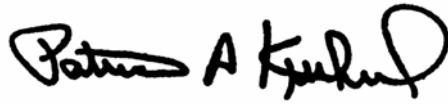
The first point of contact for the Reimbursement Program is the VMS Support Center, NOAA Fisheries Office of Law Enforcement, 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910, at (888) 219-9228, or fax (301) 427-0049.

For questions regarding reimbursement applications, call the Pacific States Marine Fisheries Commission, 205 SE Spokane St., Portland, OR 97202, at (503) 595-3100, or fax (503) 595-3232.

For VMS questions or further information about approved VMS vendors, contact the NOAA Fisheries Northeast Enforcement Division, Office of Law Enforcement, at (978) 281-9213.

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is fluid and cursive, with a large, stylized initial "P" and "K".

Patricia A. Kurkul

Regional Administrator

Attachments

7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.5000. Included in this CVD order are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been "worked after rolling")--for example, products which have been beveled or rounded at the edges. Excluded from this order is grade X-70 plate. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

The Court of Appeals for the Federal Circuit found, in *Duferco Steel, Inc. v. United States*, 296 F.3d 1087 (July 12, 2002), that imported floor plate is excluded from this CVD order on steel plate.

#### Analysis Of Comments Received

All issues raised in this review are addressed in the Preliminary Issues and Decision Memorandum from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration (*Preliminary Decision Memorandum*), dated concurrently with this notice and which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation in this public memorandum which is on file in the Central Records Unit, room B-099 of the main Commerce building. In addition, a complete version of the *Preliminary Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the *Preliminary Decision Memorandum* are identical in content.

#### Preliminary Results Of Review

The Department preliminarily determines that revocation of the CVD order would likely lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy likely to prevail if the order were revoked is:

Producers/exporters	Net Countervailable Subsidy (percent)
Cockerill .....	2.82
Fafer .....	0.56
All others (including Clabecq) .....	0.50

Interested parties may submit case briefs and hearing requests no later than two weeks after the date of publication of these preliminary results, in accordance with 19 CFR 351.309(c)(1)(i) and 19 CFR 351.310(c). Rebuttal briefs, which must be limited to issues raised

in the case briefs, may be filed not later than five days from the filing of the case briefs, in accordance with 19 CFR 351.309(d). If a hearing is requested, parties will be notified of the date, time and location. The Department will issue a notice of final results of this sunset review no later than September 27, 2006, which will include the results of its analysis of issues raised in any such comments.

We are issuing and publishing these preliminary results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: July 14, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E6-11622 Filed 7-20-06; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 070306C]

#### Vessel Monitoring Systems; Mobile Transmitter Unit and Enhanced Mobile Transmitter Unit Reimbursement Program

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

**ACTION:** Notice of vessel monitoring systems reimbursement program.

**SUMMARY:** The National Marine Fisheries Service announces the availability of approximately \$4.5 million in grant funds for fiscal year (FY) 2006 for vessel owners and/or operators who have purchased an Mobile Transmitter Unit (MTU) or Enhanced-Mobile Transmitter Unit (E-MTU) for the purpose of complying with fishery regulations requiring the use of Vessel Monitoring System (VMS) that became effective during FY 2006. The funds will be used to reimburse vessel owners and/or operators for the purchase price of the MTU or E-MTU. The maximum award per reimbursement is dependent upon the requirements of the applicable fishery management rule.

**ADDRESSES:** For a reimbursement application contact Pacific States Marine Fisheries Commission (PSMFC), 45 SE 82<sup>nd</sup> Drive, Suite 100, Gladstone, Oregon 97027-2522, phone 503-650-5300, fax 503-650-5426. To obtain copies of the list of NOAA-approved VMS mobile transmitting units and NOAA-approved VMS communications

service providers write to: VMS Support Center, NOAA Fisheries Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** For current listing information contact Mark Oswell, Outreach Specialist, phone 301-427-2300, fax 301-427-2055. For questions regarding MTU or E-MTU type approval or information regarding the status of VMS systems being evaluated by NOAA for approval, contact Jonathan Pinkerton, National VMS Program Manager, phone 301-427-2300; fax 301-427-2055. For questions regarding VMS installation or activation checklists, contact the VMS Support Center, NOAA Fisheries Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910, phone 888-219-9228, fax 301-427-0049. For questions regarding reimbursement applications contact Randy Fisher, Executive Director, Pacific States Marine Fisheries Commission (PSMFC), 45 SE 82<sup>nd</sup> Drive, Suite 100, Gladstone, Oregon 97027-2522, phone 503-650-5300, fax 503-650-5426.

#### SUPPLEMENTARY INFORMATION:

##### I. Funding Opportunity Description

This reimbursement opportunity is available to fishing vessel owners and/or operators that have purchased MTU or E-MTU devices in order to comply with fishery regulations developed in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Public Law 94-265. Only those vessel owners and/or operators purchasing a MTU or E-MTU for compliance to fishery management rules becoming effective on or after October 1, 2005, are eligible for this funding opportunity.

The primary purpose of this reimbursement program is to offset the costs associated with compliance with fishery regulations developed pursuant to the Magnuson-Stevens Act. Reimbursable expenses include the purchase price of a MTU or E-MTU type-approved for a fishery requiring the use of VMS for which the owner and/or operator holds a valid commercial fishery permit in compliance with fishery regulations.

##### II. Eligibility

To be eligible to receive reimbursement vessel owners and/or operators must first purchase a MTU or E-MTU type-approved for the fishery requiring VMS for which the vessel owner and/or operator holds a valid commercial fishing permit. The vessel

owner and/or operator must have the MTU or E-MTU properly installed on the vessel and activated utilizing a type-approved communications provider. Upon completion of the installation and activation process, the vessel owner and/or operator must contact the VMS Support Center by calling 888-219-9228 to ensure the vessel is properly registered in the VMS system. OLE does not consider a vessel in compliance until the MTU or E-MTU signal has been received and processed by OLE.

### III. Process

Vessel owners and/or operators that have purchased a MTU or E-MTU, and have validated their compliance with the applicable regulations through OLE, may contact the PSMFC, 45 SE 82<sup>nd</sup> Drive, Suite 100, Gladstone, Oregon 97027-2522, phone 503-650-5300, fax 503-650-5426, for a reimbursement application. Once the application is received and completed by the vessel owner and/or operator, it must be returned to PSMFC along with proof of eligibility in order to qualify for an award. The required proof of eligibility includes proof of a valid commercial fishing permit for fishery requiring VMS; proof of purchase and the purchase price of a type-approved MTU or E-MTU; and a valid compliance confirmation code issued by OLE.

Vessel owners and/or operators are not restricted as to which type-approved MTU or E-MTU device they can purchase. However, the amount of the reimbursement will be limited to the cost of the least expensive MTU or E-MTU type-approved for their permitted fishery. Vessel owners and/or operators are encouraged to compare the features of all MTU and E-MTU devices type-approved for their permitted fishery prior to making their purchase decision. Vessel owners/operators are limited to reimbursement of the cost of purchasing one MTU or E-MTU per permitted vessel.

Dated: July 11, 2006.

**William T. Hogarth,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. E6-11550 Filed 7-20-06; 8:45 am]

BILLING CODE 3510-22-S

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 06-C0005]

### Tiffany and Company, a Corporation, 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 Tiffany and Company, a corporation, containing a civil penalty of \$262,500.

**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 7, 2006.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 06-C0005, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:** William J. Moore, Jr., Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7583.

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

Dated: July 18, 2006.

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

### In the Matter of Tiffany and Company, a Corporation

#### Settlement Agreement and Order

1. This Settlement Agreement is made by and between the staff (the "staff") of the U.S. Consumer Product Safety Commission (the "Commission") and Tiffany and Company ("Tiffany"), a corporation, in accordance with 16 CFR 1118.20 of the Commission's procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act ("CPSA"). This Settlement Agreement and the incorporated attached Order resolve the staff's allegations set forth below.

#### The Parties

2. The Commission is an independent federal regulatory agency responsible for

the enforcement of the Consumer Product Safety Act, 15 U.S.C. 2051-2084.

3. Tiffany is a corporation organized and existing under the laws of the State of New York with its principal corporate office located at 727 Fifth Avenue, New York, New York. At all times relevant herein Tiffany marketed, distributed and sold fine jewelry, timepieces, china, crystal, silverware and silver baby rattles and teethers, among other consumer products.

#### Staff Allegations

4. From November 2002 through February 2004, Tiffany sold in United States commerce approximately 4,255 sterling silver rattle/teethers with small farm animal figures ("Teethers").

5. The Teethers are "consumer products" and, at the times relevant herein, Tiffany was a "retailer" of "consumer products", which were "distributed in commerce" as those terms are defined in sections 3(a)(1), (6), (11), and (12) of the CPSA, 15 U.S.C. 2052(a)(1), (6), (11), and (12).

6. The Teethers are defective because a metal bar at the center of the Teether can break off at its soldered joints during use releasing small round beads and small animal figures. The small beads and figures can pose an aspiration and choking hazard to babies.

7. Between November and December 2003, Tiffany learned about at last two incidents of Teethers cracking at the soldered joint. In February 2004, Tiffany learned about one incident in which a Teether broke at the soldered joint, and a baby was reported to be mouthing a small animal figure that fell off of the Teether. Tiffany determined that hand polishing during Teether manufacture could weaken the cross bar solder joints and lead to separation of that metal bar from the Teether ring.

8. Tiffany suspended Teether sales following the February 2004 incident. Tiffany did not report the problem to the Commission. Tiffany received two more reports of Teethers cracking in March 2004. The firm did not report to the Commission until June 2004, after the Commission opened its own investigation and requested Tiffany to do so.

9. Although Tiffany had obtained sufficient information to reasonably support the conclusion that the Teethers contained a defect which could create a substantial product hazard, it failed to inform the Commission of such defect and risk and required by Section 15(b)(2) of the CPSA, 15 U.S.C. 2064(b)(2). In failing to do so, Tiffany "knowingly" violated Section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), as the

Dated: July 25, 2006.

**Alan D. Risenhoover,**

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

[FR Doc. E6-12130 Filed 7-27-06; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 070306C]

#### Vessel Monitoring Systems; Amendment to the Announcement of Mobile Transmitter Unit and Enhanced Mobile Transmitter Unit Reimbursement Program; Additional Eligibility Criteria

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

**ACTION:** Amendment to the notice of vessel monitoring systems reimbursement program.

**SUMMARY:** On July 21, 2006, NMFS announced the availability of approximately \$4.5 million in grant funds for fiscal year (FY) 2006 for vessel owners and/or operators who have purchased a Mobile Transmitter Unit (MTU) or Enhanced-Mobile Transmitter Unit (E-MTU) for the purpose of complying with fishery regulations requiring the use of Vessel Monitoring Systems (VMS) which became effective during FY 2006. The funds will be used to reimburse vessel owners and/or operators for the purchase price of the MTU or E-MTU. These amendments are intended to correct the contact information for the Pacific States Marine Fisheries Commission (PSMFC) located under **FOR FURTHER INFORMATION CONTACT** and **ADDRESSES** and to declare an additional reimbursement eligibility criteria.

**ADDRESSES:** The correct contact information for a reimbursement application is Pacific States Marine Fisheries Commission (PSMFC), 205 SE Spokane Street, Suite 100, Portland, OR 97202, phone 503-595-3100, fax 503-595-3232.

To obtain copies of the list of NOAA-approved VMS mobile transmitting units and NOAA-approved VMS communications service providers write to the VMS Support Center, NOAA Fisheries Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** The correct contact information for questions regarding reimbursement

applications is Randy Fisher, Executive Director, Pacific States Marine Fisheries Commission (PSMFC), 205 SE Spokane Street, Suite 100, Portland, OR 97202, phone 503-595-3100, fax 503-595-3232.

For questions regarding MTU or E-MTU type approval or information regarding the status of VMS systems being evaluated by NOAA for approval, contact Jonathan Pinkerton, National VMS Program Manager, phone 301-427-2300; fax 301-427-0049.

For questions regarding VMS installation or activation checklists, contact the VMS Support Center, NOAA Fisheries Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910, phone 888-219-9228, fax 301-427-0049.

**SUPPLEMENTARY INFORMATION:** In addition to the eligibility requirements detailed in the July 21, 2006 (71 FR 41425) notice, the following requirement regarding vessel owners and/or operators with outstanding unpaid civil monetary penalties shall also apply.

#### Additional Eligibility Criteria

To be eligible to receive reimbursement vessel owners and/or operators must not be in arrears with a payment owed to the Agency for a civil monetary penalty. Affected vessel owners and/or operators may become eligible for the reimbursement if the outstanding penalty is paid in full within 30 days of the denial of the reimbursement. After payment, vessel owners and/or operators must contact the VMS Support Center and provide documentation to support the defrayment of the penalty to receive a confirmation code for reimbursement purposes.

Dated: July 25, 2006.

**William T. Hogarth,**

*Assistant Administrator for Fisheries, National Marine Fishery Service.*

[FR Doc. E6-12125 Filed 7-27-06; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 053106C]

#### Notice of Availability of Draft Stock Assessment Reports

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

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

**SUMMARY:** NMFS reviewed the Alaska, Atlantic, and Pacific regional marine mammal stock assessment reports (SARs) in accordance with the Marine Mammal Protection Act (MMPA). SARs for marine mammals in the Alaska, Atlantic, and Pacific regions were revised according to new information. NMFS solicits public comments on draft 2006 SARs.

**DATES:** Comments must be received by October 26, 2006.

**ADDRESSES:** The 2006 draft stock assessment reports are available in electronic form via the Internet at <http://www.nmfs.noaa.gov/pr/sars/>.

Copies of the Alaska Regional SARs may be requested from Robyn Angliss, Alaska Fisheries Science Center, NMFS, 7600 Sand Point Way, NE BIN 15700, Seattle, WA 98115-0070.

Copies of the Atlantic and Gulf of Mexico Regional SARs may be requested from Gordon Waring, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543.

Copies of the Pacific Regional SARs may be requested from Tina Fahy, Southwest Regional Office, NMFS, 501 West Ocean Boulevard, Long Beach, CA 90802-4213.

Send comments or requests for copies of reports to: Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, Attn: Stock Assessments. Comments may also be sent via facsimile (fax) to 301-427-2516 or via e-mail to [mmsar.2006@noaa.gov](mailto:mmsar.2006@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Tom Eagle, Office of Protected Resources, 301-713-2322, ext. 105, e-mail [Tom.Eagle@noaa.gov](mailto:Tom.Eagle@noaa.gov); Robyn Angliss 206-526-4032, e-mail [Robyn.Angliss@noaa.gov](mailto:Robyn.Angliss@noaa.gov), regarding Alaska regional stock assessments; Gordon Waring, 508-495-2311, e-mail [Gordon.Waring@noaa.gov](mailto:Gordon.Waring@noaa.gov), regarding Atlantic regional stock assessments; or Tina Fahy, 562-280-4060, e-mail [Christina.Fahy@noaa.gov](mailto:Christina.Fahy@noaa.gov), regarding Pacific regional stock assessments.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 117 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of marine mammals occurring in waters under the jurisdiction of the United States. These reports must contain