

in accordance with Title IV of the MMPA (16 U.S.C. 1421 *et seq.*).

Pursuant to the provisions of Section 104(c)(3)(A) of the MMPA and implementing regulations at 50 CFR 216.33(e)(6), NMFS has issued this permit amendment without making the application available for a 30-day public comment period. Specifically, these provisions allow NMFS to waive the comment period in a situation where the health and life of an ESA-listed marine mammal is threatened and no reasonable alternative is available. Whereas the MMPA provides authorization for federal, state, and local government officials to take marine mammals in a humane manner if such taking is for the protection or welfare of the mammal, there are no comparable provisions under the ESA. Without this permit amendment, there would be no permit allowing for proper response to imperiled ESA-listed marine mammals. NMFS therefore determined that there was a compelling reason for waiving the 30-day public review and comment period on the application.

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.

Documents may be reviewed in the following locations:

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) 427-2521;

Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206) 526-6150; fax (206) 526-6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586-7221; fax (907) 586-7249;

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

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814-4700; phone (808) 973-2935; fax (808) 973-2941;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978) 281-9200; fax (978) 281-9371; and

Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33702-2432; phone (727) 824-5312; fax (727) 824-5517.

Dated: June 29, 2005.

**Patrick Opay,**

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

[FR Doc. 05-13265 Filed 7-5-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 062805E]

#### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's Summer Flounder Monitoring Committee, Scup Monitoring Committee, Black Sea Bass Monitoring Committee, and Bluefish Monitoring Committee will hold a public meeting.

**DATES:** The meeting will be held on Thursday, July 28, 2005, beginning at 9 a.m.

**ADDRESSES:** The meeting will be held at the Renaissance Philadelphia Airport, 500 Stevens Drive, Philadelphia, PA 19113; telephone: 1-610-521-5900.

*Council address:* Mid-Atlantic Fishery Management Council, Room 2115, 300 S. New Street, Dover, DE 19904.

**FOR FURTHER INFORMATION CONTACT:**

Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to recommend the 2006 commercial management measures, commercial quotas, and recreational harvest limits for summer flounder, scup, and black sea bass. The Bluefish Monitoring Committee will meet to recommend commercial management measures, recreational management measures, and a commercial quota for bluefish for 2006.

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 identified 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 sign language interpretation or other auxiliary aids should be directed to Kathy Collins (302) 674-2331 ext: 10 at the Council Office at least 5 days prior to the meeting date.

Dated: June 29, 2005.

**Emily Menashes,**

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

[FR Doc. E5-3545 Filed 7-5-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 062805D]

#### Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeastern Data, Assessment, and Review (SEDAR) Steering Committee Meeting.

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

**ACTION:** Notice of SEDAR Steering Committee Meeting.

**SUMMARY:** The SEDAR Steering Committee will meet to discuss the SEDAR process, assessment scheduling, and management coordination.

**DATES:** The SEDAR Steering Committee meeting will be held on August 2 and August 3, 2005. The Committee will meet from 10 a.m. to 5 p.m. on August 2, 2005 and 9 a.m. to 4 p.m. on August 3, 2005.

**ADDRESSES:** The SEDAR Steering Committee will meet at the Southeast Regional Office (SERO), 263 13th Avenue South, St. Petersburg, FL 33702; telephone: (305) 824-5301.

*Council address:* South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407.

**FOR FURTHER INFORMATION CONTACT:** John Carmichael, SEDAR Coordinator, SEDAR/SAFMC, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (843) 571-4366, (866) SAFMC-10; fax: (843) 769-4520; email: [John.Carmichael@safmc.net](mailto:John.Carmichael@safmc.net).

**SUPPLEMENTARY INFORMATION:** The South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils in

conjunction with NOAA Fisheries, the Atlantic States Marine Fisheries Commission, and the Gulf States Marine Fisheries Commission implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks. SEDAR activities are conducted through committees established by the Councils under their 302(g) authority.

The SEDAR Steering Committee is composed of the Executive Directors and Chairs of the 3 Caribbean, Gulf, and South Atlantic Fishery Management Councils, the Executive Directors of the Gulf States and Atlantic States Marine Fisheries Commissions, the Southeast Regional Administrator, and the Southeast Fisheries Science Center Director. The Steering Committee provides coordination and integration of the management, assessment, and research activities in the Southeast Region.

The SEDAR Steering Committee will meet to review the SEDAR process, develop assessment priorities for 2009–10, review research and monitoring priorities, review scheduled regional management activities, and develop an appropriate work plan.

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 identified 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

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the South Atlantic Fishery Management Council office or the Southeast Regional Office at the addresses listed above at least 10 business days prior to the meeting.

Dated: June 29, 2005.

**Emily Menashes,**

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

[FR Doc. E5–3546 Filed 7–5–05; 8:45 am]

BILLING CODE 3510–22–S

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 05–C0009]

### Rose Art Industries, Inc., 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 Rose Art Industries, Inc., a corporation, containing a civil penalty of \$300,000.00.

**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 July 21, 2005.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 05–C0009, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:** Ronald G. Yelnik, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–7582.

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

Dated: June 30, 2005.

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

### 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 Rose Art Industries, Inc. (“Rose Art” or “Respondent”), a corporation, in accordance with 16 CFR section 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 settle 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. sections 2051–2084.

3. Rose Art is a corporation organized and existing under the laws of the State of New Jersey with its principal corporate offices located in Livingston, New Jersey. Respondent manufactures are materials, toys and stationery products.

### Staff Allegations

4. Between August 1997 and December 2001, Rose Art manufactured and sold nationwide approximately 124,000 Glamour Gear Soap Making Kits, models 4054 and 4121 (the “Kit(s)” or the “product(s)”). Each Kit includes bars of soap, molds, and a plastic cup to melt soap chunks. These Kits are intended for use by children eight years of age and older.

5. The Kits are “consumer products” and Respondent is a “manufacturer” of “consumer products,” which were “distributed in commerce” as those terms are defined in sections 3(a)(1), (4), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(1), (4), (11), and (12).

6. The Kits are defective because the plastic cup used to heat the soap in a microwave oven may become deformed or develop a hole in the bottom, causing the hot soap contained therein to leak from the cup. If this occurs, young children and others may sustain serious burn injuries.

7. Between January 1998 and January 2002, Rose Art received reports of 10 children who were burned by hot soap while removing the plastic cup from a microwave oven. The majority of these children sustained second and third degree burns.

8. Despite being aware of the aforementioned reports, Rose Art did not inform the Commission about this information until February 14, 2002, when it submitted both a section 15 and a section 37 report.

9. Although Rose Art had obtained sufficient information to reasonably support the conclusion that the Kits contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury or death, long before February 14, 2002, it failed to immediately inform the Commission of such defect or risk as required by sections 15(b)(2) and (3) of the CPSA, 15 U.S.C. 2064(b)(2) and (3). By failing to do so, Rose Art violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

10. Respondent committed this failure to immediately inform the Commission of the subject defect or risk “knowingly” as the term “knowingly” is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d), and pursuant to section 20 of