

following acts: Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq.*, and the Federal Hazardous Substances Act, 15 U.S.C. § 1261 *et seq.*

21. Upon final acceptance by the Commission of this Settlement Agreement and Order, the Commission shall issue the attached Order incorporated herein by this reference.

22. The Commission does not make any determination that SKR knowingly violated the FHSA and/or the CPSA. This Agreement is entered into for the purposes of settlement only.

23. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, SKR knowingly, voluntarily, and completely waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission as to whether SKR failed to comply with the FHSA and/or the CPSA as aforesaid, (4) to a statement of findings of fact and conclusions of law, and (5) to any claims under the Equal Access to Justice Act.

24. SKR agrees to cooperate fully with the Commission and the U.S. Department of Justice in investigations of any other firms involving Ghost Blaster toys, including but not limited to testifying truthfully in any litigation arising from such investigations.

25. For purposes of section 6(b) of the CPSA, 15 U.S.C. § 2055(b), this matter shall be treated as if a complaint had issued; and the Commission may publicize the terms of this Settlement Agreement and Order.

26. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and shall be published in the Federal Register in accordance with the procedures set forth in 16 C.F.R. §§ 1118.20(e)–(h). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order will be deemed finally accepted on the 16th day after the date it is published in the Federal Register.

27. The parties further agree that the Commission shall issue the attached Order; and that a violation of the Order shall subject SKR to appropriate legal action.

28. Agreements, understandings, representations, or interpretations made outside of this Settlement Agreement and Order may not be used to vary or to contradict its terms.

29. The provisions of the Settlement Agreement and Order shall apply to SKR and each of its successors and assigns.

Dated: January 30, 1996.

Robert J. Richards,
President, SKR Resources, Inc., 307 Fifth Avenue, New York, NY 10016.

Commission Staff:

David Schmeltzer,
Assistant Executive Director, Office of Compliance.

Eric L. Stone,
Acting Director, Division of Administrative Litigation, Office of Compliance.

Dated: February 7, 1996.

Dennis C. Kacoyanis,
Trial Attorney, Division of Administrative Litigation, Office of Compliance.

Order

Upon consideration of the Settlement Agreement entered into between Respondent SKR Resources, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and SKR Resources, Inc.; and it appearing that the Settlement Agreement and Order is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted; and it is

Further ordered, that upon final acceptance of the Settlement Agreement and Order, SKR Resources, Inc. shall pay the Commission a civil penalty in the amount of forty thousand and 00/100 dollars (\$40,000.00) in two (2) payments. The first payment of twenty thousand and 00/100 dollars (\$20,000.00) shall be due within twenty (20) days after service upon Respondent of the Final Order of the Commission accepting the Settlement Agreement. The second payment of twenty thousand and 00/100 dollars (\$20,000.00) shall be made within one year after service of the Final Order upon Respondent. Payment of the full amount of the civil penalty shall settle fully the staff's allegations set forth in paragraphs 4 through 17 of the Settlement Agreement that SKR Resources, Inc. knowingly violated the FHSA. Upon the failure by SKR Resources, Inc. to make a payment or upon the making of a late payment by SKR Resources, Inc. the entire amount of the civil penalty shall be due and payable, and interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. §§ 1961(a) and (b).

Provisionally accepted and Provisional Order issued on the 15th day of March, 1996.

By Order of the Commission:

Sadye E. Dunn, Secretary,

Consumer Product Safety Commission.

[FR Doc. 96-6733 Filed 3-19-96; 8:45 am]

BILLING CODE 6355-01-M

[CPSC Docket No. 96-C0003]

Taito America Corporation, a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of a Settlement Agreement under the Consumer Product Safety Act.

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 C.F.R. Section 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with Taito America Corporation, a corporation.

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 April 4, 1996.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 96-C0002, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Ronald G. Yelenik, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0626.

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

Dated: March 14, 1996.

Sadye E. Dunn,
Secretary.

Settlement Agreement and Order

1. This Settlement Agreement and Order, entered into between Taito America Corporation, a corporation (hereinafter, "Taito"), and the staff of the Consumer Product Safety Commission (hereinafter, "staff"), pursuant to the procedures set forth in 16 C.F.R. § 1118.20, is a compromise resolution of the matter described

herein, without a hearing or determination of issues of law and fact.

I. The Parties

2. The "Staff" is the staff of the Consumer Product Safety Commission (hereinafter, "Commission"), an independent federal regulatory agency of the United States government, established by Congress pursuant to section 4 of the Consumer Product Safety Act (hereinafter, "CPSA"), as amended, 15 U.S.C. § 2053.

3. Respondent Taito is a corporation organized and existing under the laws of the State of Delaware with its principal corporate offices located in Buffalo Grove, Illinois.

II. Jurisdiction

4. Taito manufactured certain Super Sonic Blastman Arcade Boxing Games, (hereinafter, "Blastman(men)" or "the game(s)"). The Blastman is a "consumer product" within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. § 2052(a)(1).

5. Taito manufactured and distributed these games to arcades, amusement parks, and other similar locations nationwide. Taito is a "manufacturer" of a "consumer product" which is "distributed in commerce", as those terms are defined in sections 3(a)(1), (4), and (11) of the CPSA, 15 U.S.C. §§ 2052(a)(1), (4) and (11).

III. The Product

6. The Blastman is a coin operated video arcade boxing game consisting of a video screen, a punching pad and a pair of boxing gloves. The objective of the game is to punch a foam filled circular pad which is attached to a three foot metal arm as hard as possible in an attempt to knock the pad/arm back to a flat position. Taito manufactured approximately 320 Blastmen in the United States between 1991 and 1992.

IV. Staff Allegations Concerning the Blastman and of a Failure by Taito to Comply With the Reporting Requirements of Section 15(b) of the CPSA

7. The Blastman contains a defect which could create a substantial product hazard and creates an unreasonable risk of serious injury in that the potential for serious injury is inherent in the use of the game and users are unlikely to perceive this risk.

8. On or about October 21, 1991, Taito first became aware of an injury involving the Blastman. In succeeding years, Taito learned of many other Blastman incidents with resulting injuries.

9. Between 1991 and 1994, Taito learned of a total of approximately seventy incidents involving the game, the majority of which resulted in fractured arms and wrists.

10. Both prior to and during the period in which Taito received notice of the Blastman injuries, the company implemented several design and material changes involving the Blastman.

11. Although Taito obtained sufficient information to reasonably support the conclusion that the Blastman, described in paragraph 6 above, contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury or death, it failed to report such information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. § 2064(b). This is a violation of section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4).

12. Taito knowingly failed to report to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. § 2064(b), and is subject to civil penalties under section 20 of the CPSA, 15 U.S.C. § 2069.

V. Response of Taito

13. Taito denies that its Blastman contains a defect which creates or which could create a substantial product hazard within the meaning of section 15(a) of the CPSA, 15 U.S.C. § 2064(a), or creates an unreasonable risk of serious injury or death.

14. Taito initially imported approximately fifty Blastman to test the market in the United States. When the test units received a favorable response, Taito implemented certain design changes to improve the safety of the gloves and the pad. Subsequently, Taito manufactured and distributed approximately 320 games in the United States.

15. Between 1991 and 1994, Taito learned of a total of approximately sixty incidents involving the Blastman.

16. Taito denies that the information it received as to these incidents reasonably supported the conclusion that the Blastman contained a defect which could create a substantial product hazard, or create an unreasonable risk of serious injury or death, and therefore, denies it had an obligation to report this information to the Commission under section 15(b) of the CPSA, 15 U.S.C. § 2064(b).

17. Since Taito believes that it had no obligation to report the incidents of injury regarding the Blastman to the Commission, it did not knowingly fail to report these incidents to the Commission as required by section 15(b)

of the CPSA, 15 U.S.C. § 2064(b), and thus denies it is subject to civil penalties under section 20 of the CPSA, 15 U.S.C. § 2069.

18. Based upon the Commission's preliminary determination that the Blastman presents a substantial product hazard, Taito agreed to conduct a voluntary recall of the Blastman to avoid incurring legal costs and adverse publicity.

19. By entering into this Settlement Agreement and Order, Taito does not admit any liability or wrongdoing, and this Settlement Agreement and Order does not constitute, and is not evidence of, or an admission of, any liability or wrongdoing by Taito.

VI. Agreement of the Parties

20. The Commission has jurisdiction in this matter for purposes of entry and enforcement of this Settlement Agreement and Order.

21. Taito knowingly, voluntarily and completely waives, in this section 15(b) matter only, any rights it may have (1) to an administrative or judicial hearing with respect to the Commission's claim for a civil penalty, (2) to judicial review or other challenge or contest of the validity of the Commission's action with regard to its claim for a civil penalty, (3) to a determination by the Commission as to whether a violation of Section 15(b) of the CPSA, 15 U.S.C. § 2064(b), has occurred, (4) to a statement of finding of fact and conclusions of law with regard to the Commission's claim for a civil penalty, and (5) to any claims under the Equal Access to Justice Act.

22. This Settlement Agreement and Order becomes effective only upon its final acceptance by the Commission and service of the incorporated order upon Respondent.

23. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, the Commission shall place this Agreement and Order on the public record and shall publish it in the Federal Register in accordance with the procedure set forth in 16 C.F.R. § 1118.20(e). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Agreement and Order shall be deemed finally accepted on the 16th day after the date it is published in the Federal Register, in accordance with 16 C.F.R. § 1118.20(f).

24. Upon final acceptance of this Settlement Agreement and Order, the Commission shall issue the attached Order.

25. The provisions of this Settlement Agreement and Order shall apply to Taito and its successors and assigns.

26. For purposes of section 6(b) of the CPSA, 15 U.S.C. § 2055(b), this matter shall be treated as if a complaint had issued, and the Commission may publicize the terms of the Settlement Agreement and Order.

27. Taito agrees to inform the Commission if it learns of any additional Blastman incidents or any other relevant information affecting the safety of the Blastman.

28. This Agreement may be used in interpreting the Order. Agreements, understandings, representations, or interpretations made outside of this Settlement Agreement and order may not be used to vary or to contradict its terms.

TAITO America Corporation.

Dated: February 6, 1996.

By:

Reginald Winter,
Secretary, Taito America Corporation.

The Consumer Product Safety Commission.

David Schmeltzer,
Associate Executive Director, Office of Compliance.

Eric L. Stone,
Acting Director, Division of Administrative Litigation, Office of Compliance.

Dated: February 9, 1996.

By:

Ronald G. Yelenik,
Trial Attorney, Division of Administrative Litigation, Office of Compliance.

Order

Upon consideration of the Settlement Agreement between Respondent Taito America Corporation, a corporation, and the staff of the Consumer Product Safety Commission, and the Commission having jurisdiction over the subject matter and Taito America Corporation, and it appearing the Settlement Agreement is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted, as indicated below, and it is

Further ordered, that within ten days of the service of the Final Order upon Respondent, Taito America Corporation shall pay to the order of the U.S. Treasury a civil penalty in the amount of fifty thousand dollars (\$50,000).

Provisionally accepted and Provisional Order issued on the 14th day of March, 1996.

By Order of the Commission:

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 96-6736 Filed 3-19-96; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Monday, 25 March 1996.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Eliot Cohen, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II § 10(d) (1988)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1988), and that accordingly, this meeting will be closed to the public.

Dated: March 15, 1996.

Patricia L. Toppings,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96-6684 Filed 3-19-96; 8:45 am]

BILLING CODE 5000-04-M

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, March 28, 1995.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Walter Gelnovatch, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II § 10(d) (1988)), it has been determined that this Advisory Group meeting matters listed in 5 U.S.C. § 552b(c)(1) (1988), and that accordingly, this meeting will be closed to the public.

Dated: March 15, 1996.

Patricia L. Toppings,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96-6685 Filed 3-19-96; 8:45 am]

BILLING CODE 5000-04-M

Meeting of the Semiconductor Technology Council

ACTION: Notice.

SUMMARY: Under the provisions of Public Law 92-463, the "Federal Advisory Committee Act," notice is hereby given that the Semiconductor