

A notice and letter to the Commissioner of Customs published in the Federal Register on December 17, 1997 (62 FR 66057) announced the temporary amendment to the foreign origin exception for findings and trimmings under the Special Access Program. This amendment extended the exemption period for one year, December 23, 1997 through December 22, 1998, for women's and girls' chest type plate, "hymo" piece or "sleeve header" of woven or welf-inserted warp knit construction of coarse animal hair or man-made filaments used in the manufacture of tailored suit jackets and suit-type jackets in Categories 433, 443, 633 and 643 which are entered under the Special Access Program (9802.00.8015) provided they are cut in the United States. In a subsequent notice and letter published on September 29, 1998 (63 FR 51903), the exemption was extended for the period September 23, 1998 through September 22, 1999 for men's and boys' chest type plate, "hymo" piece or "sleeve header" of woven or welf-inserted warp knit construction of coarse animal hair or man-made filaments used in the manufacture of tailored suit jackets and suit-type jackets in the same categories.

The purpose of this notice is to request public comments on CITA's intention to combine and extend through December 31, 2000, the exemption periods for women's and girls' and men's and boys' "hymo" type interlining. Thereafter, the exemption period for women's and girls' and men's and boys' "hymo" type interlining would extend through December 31, 2000.

There will be a 30-day comment period beginning November 12, 1998 and extending through December 14, 1998. Anyone wishing to comment or provide data or information regarding domestic production or availability of the products mentioned above is invited to submit 10 copies of such comments or information to Troy H. Cribb, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande.

Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

The solicitation of comments is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997).

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

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CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 99-C0003]

Small World Toys, Inc., a Domestic 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 Federal Hazardous Substance Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e)-(h). Published below is a provisionally-accepted Settlement Agreement with Small World Toys, Inc., a domestic corporation, containing a civil penalty of \$225,000.

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 November 27, 1998.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to Comment 99-C0003, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Dennis C. Kacoyanis, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0626, 1346.

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

Dated: November 4, 1998.

Sadye E. Dunn,
Secretary.

Settlement Agreement and Order

1. Small World Toys, Inc. (hereinafter, "Small World"), a corporation, enters into this Settlement Agreement

(hereinafter, "Agreement") with the staff of the Consumer Product Safety Commission, and agrees to the entry of the Order described herein. The purpose of the Agreement and Order is to settle the staff's allegations that Small World violated the Consent Decree of Permanent Injunction and the Federal Hazardous Substances Act (FHSA).

I. The Parties

2. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory commission of the United States established pursuant to section 4 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2053.

3. Small World is a corporation organized and existing under the laws of the State of California. Small World's address is 5711 Buckingham Parkway, Culver City, CA 90231. Small World is an importer and wholesaler of children's toys.

II. Allegations of the Staff

A. Violation of the Consent Decree

4. On July 31, 1986, the United States Department of Justice on behalf of the Commission and Small World entered into a Consent Decree of Permanent Injunction, hereinafter, "Consent Decree" (Consent Decree, Attachment A) to resolve allegations that Small World introduced or caused the introduction in interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, toys and other articles intended for use by children under three years of age that failed to comply with the Commission's Small Parts Regulation at 16 CFR Part 1501, in violation of sections 4 (a) and (c) of the FHSA, 15 U.S.C. 1263 (a) and (c).

5. The Consent Decree requires Small World to test six (6) units of a toy or other article intended for children under three years old for small parts pursuant to the use and abuse procedures set forth in 16 CFR 1501.4 and 1500.51 and .52 twice per calendar year unless Small World receives only one shipment of the particular toy during the calendar year. If any unit of a toy fails use and abuse procedures, Small World is prohibited from distributing the toy in interstate commerce and must notify the Commission in writing within three (3) days of the failure.

6. Small World has not complied with the testing and reporting requirements of the Consent Decree.

7. Small World's failure to comply with the testing and reporting requirements of the Consent Decree constitutes a violation of the Consent Decree.

B. Toys With Small Parts

8. On four occasions between October 12, 1994, and December 1, 1995, Small World introduced or caused the

introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, eight kinds of toys

(23,604 retail units) intended for use by children under three years old. These toys are identified and described as follows:

Sample No.	Product	Collect. date * entry date	Expt/Mfg.	Quantity
T-867-8045	Necklace	10/12/94	Fishel	3,456
T-867-8046	Necklace	10/12/94	Fishel	2,304
T-867-8178	Bracelet	* 01/27/95	Fishel	4,320
T-867-8179	Bracelet	* 01/27/95	Fishel	4,320
T-867-8180	Locomotive	* 01/27/95	Supertoys	576
T-867-8181	Car	* 01/27/95	Golden Bell	2,448
T-867-8338	Gazooobo	* 09/12/95	Caben	6,168
96-860-5154	Simba Doll	* 12/01/95	Unknown	12

9. The toys identified in paragraph 8 above are intended for children under three years old and are subject to the Commission's Small Parts Regulation, 16 CFR Part 1501.

10. The toys identified in paragraph 8 above failed to comply with the Commission's Small Parts Regulation, 16 CFR Part 1501, in that when tested under the "use and abuse" test methods specified in 16 CFR 1500.51 and .52, (a) one or more parts of each tested toy separated and (b) one or more of the separated parts from each of the toys fit completely within the small parts test cylinder, as set forth in 16 CFR 1501.4.

11. Because the separated parts fit completely within the test cylinder as described in paragraph 10 above, each of the toys identified in paragraph 8 above presents a "mechanical hazard"

within the meaning of section 2(s) of the FHSA, 15 U.S.C. 1261(s) (choking, aspiration, and/or ingestion of small parts).

12. Each of the toys identified in paragraph 8 above is a "hazardous substance" pursuant to section 2(f)(1)(D) of the FHSA, 15 U.S.C. 1261(f)(1)(D).

13. Each of the toys identified in paragraph 8 above is a "banned hazardous substance" pursuant to section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261(q)(1)(A) and 16 CFR 1500.18(a)(9) because it is intended for use by children under three years of age and bears or contains a hazardous substance as described in paragraph 12 above; and because it presents a mechanical hazard as described in paragraph 11 above.

14. Small World knowingly introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the aforesaid banned hazardous toys, identified in paragraph 8 above, in violation of sections 4(a) and (c) of the FHSA, 15 U.S.C. 1263 (a) and (c).

C. Rattles With Small Parts

15. On one occasion in 1994, Small World introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, one kind of rattle (3,456 units) intended for use by children. This rattle is identified and described as follows:

Sample No.	Product	Entry Date	Expt/Mfg.	Quantity
S-867-8429	Handy Dandy Rattle	10/12/94	Ambi	3,456

16. The rattle identified in paragraph 15 above is subject to, but failed to comply with the Commission's Rattle Regulations, 16 CFR Part 1510, in that when tested under the procedures set forth in 16 CFR 1510.4, the rattle penetrated the full depth of the test fixture.

17. Because the rattle identified in paragraph 15 above penetrated the full depth of the cavity of the test fixture as specified in 16 CFR 1510.4, it presents a "mechanical hazard" within the meaning of section 2(s) of the FHSA, 15 U.S.C. 1261(s) (choking) and is, therefore, a "hazardous substance" pursuant to section 2(f)(1)(D) of the FHSA, 15 U.S.C. 1261(f)(1)(D).

18. The rattle identified in paragraph 15 above is a "banned hazardous substance" pursuant to section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261(q)(1)(A) and 16 CFR 1500.18(a)(15) because it is intended for use by children and bears or contains a hazardous substance; and because it presents a mechanical hazard as defined in paragraph 17 above.

19. Small World knowingly introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the aforesaid banned hazardous rattle identified in paragraph 15 above, in violation of sections 4(a)

and (c) of the FHSA, 15 U.S.C. 1263(a) and (c).

D. Art Material

20. On three occasions between August 31, 1993, and September 13, 1993, Small World introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, eight (8) different types of art material products (8,592 units). These art material products are identified and described as follows:

Sample No.	Product	Entry Date	Expt/Mfg.	Quantity
R-867-8507	Dino Puzzle	08/31/93	Aims	1,152
R-867-8508	Water Color Paint Set	09/01/93	Weghorn	120
R-867-8509	Water Color Paint Set	09/01/93	Weghorn	576

Sample No.	Product	Entry Date	Expt/Mfg.	Quantity
R-867-8515	Water Color Paint Set	09/01/93	Weghorn	480
R-867-8516	Water Color Paint Set	09/01/93	Weghorn	2,592
R-867-8517	Color Paint Set	09/01/93	Weghorn	312
R-867-8518	Water Color Paint Set	09/01/93	Weghorn	480
R-867-8579	Mini Crayons	09/13/93	Aims	2,880

21. The art material products identified in paragraph 20 above are subject to, but failed to comply with the requirements for the Labeling of Art Materials Act in that (a) Small World did not submit these art material products for review by a toxicologist as required by section 23(a) of the FHSA, 15 U.S.C. 1277(a) and 16 CFR

1500.14(b)(8)(C)(1); and (b) these art material products did not bear the statement of conformance with ASTM D-4236, as required by section 23(a) of the FHSA, 15 U.S.C. 1500.14(b)(8)(C)(7).

22. The art material products identified in paragraph 20 above are "misbranded hazardous substances" pursuant to section 3(b) of the FHSA, 15 U.S.C. 1262(b) and 16 CFR 1500.14(b)(8)(C)(1) and (7).

23. Small World knowingly introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the aforesaid misbranded hazardous art materials identified in paragraph 20 above, in violation of sections 4(a) and (c) of the FHSA, 15 U.S.C. 1263(a) and (c).

E. Failure to Follow Export Notification Requirements

24. On ten occasions between April 8, 1997, and November 24, 1997, Small World exported 10 different kinds of toys (9,291 units) intended for use by children under three years old that failed to comply with the Commission's Small Parts Regulations 16 CFR Part 1501 without submitting a "notification of intent to export" to the Commission pursuant to section 14(d) of the FHSA, 15 U.S.C. 1273(d) and the Commission's Procedures For Export of Noncomplying Products, 16 CFR Part 1019. These toys are described and identified as follows:

Product	Expt./Mfg.	Quantity
Pull-Along Dog.	Ambi	2,847
Sand Boat	Ambi	882
Animal Trains.	Caben	714
Ambulance.	Golden Bell	888
Bear Trumpet.	Hong Kong Toy Ctr.	624
Cement Mixer.	Kodomo	600

Product	Expt./Mfg.	Quantity
Water Wheel.	Kodomo	1,188
Shape Sorter.	Megcos	720
Crane Truck.	Golden Bell	600
Bank	Caben	228

25. Small World knowingly failed to file the required notification informing the Commission of its intent to export the toys identified in paragraph 24 above, in violation of section 4(i) of the FHSA, 15 U.S.C. 1263(j).

III. Response of Small World

26. Small World denies the allegations of the staff set forth in paragraphs 4 through 25 above. Small World denies the allegations that it violated the testing and reporting provisions of the Consent Decree and that it knowingly introduced or caused the introduction in interstate commerce and delivered or proffered delivery thereof for pay or otherwise any banned hazardous toys and rattles and any misbranded hazardous art material products.

27. Small World contends the necklaces, bracelets, locomotive and car listed in paragraph 8 are not intended or promoted for use by children under three years old and therefore are not subject to the CPSC Small Parts Regulation. The Gazoo toy is intended and promoted for ages above 18 months through 5 years and it meets CPSC's Small Parts requirement for that age group. The Simba Doll sold by Small World met the CPSC Small Parts Regulation.

28. Small World did not knowingly introduce or cause the introduction into interstate commerce or receive or deliver or proffer delivery of any banned hazardous rattles as alleged in paragraph 15.

29. Small World never received in interstate commerce the art materials listed in paragraph 20 and never introduced them into interstate commerce. They were stopped before entry into the United States and before Small World had any opportunity to inspect them to determine if they were properly labeled under the Labeling of Art Materials Act. Two products, Dino Puzzle and Mini Crayons, were returned

to the manufacturer before they entered the United States. The Color Paint Sets were properly labeled after SWT was informed that they had arrived at the port without labels.

IV. Agreement of the Parties

30. The Consumer Product Safety Commission has jurisdiction over Small World and the subject matter of this Settlement Agreement and Order under the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*, and the Federal Hazardous Substances Act, 15 U.S.C. 1261 *et seq.*

31. Upon final acceptance by the Commission of this Settlement Agreement and Order, Small World knowingly, voluntarily, and completely waives any rights it may have in this matter (a) to an administrative or judicial hearing, (b) to judicial review or other challenge or contest of the validity of the Commission's actions, (c) to a determination by the Commission whether Small World failed to comply with the testing and reporting requirements of the Consent Decree and the FHSA, (d) to a statement of findings of facts and conclusions of law, and (e) to any claims under the Equal Access to Justice Act.

32. In settlement of the staff's allegations, Small World agrees to pay a civil penalty of \$225,000.00 as set forth in the incorporated Order.

33. In settlement of the staff's allegations, Small World agrees to comply with the testing and reporting requirements of the Consent Decree.

34. 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.

35. Upon provisional acceptance of this Settlement Agreement by the Commission, the Commission will place the Settlement Agreement and the Provisional Order on the public record, and publish it in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e)-(h). If the Commission does not receive any written requests not to accept the Settlement Agreement within 15 days, the Settlement Agreement shall be deemed finally accepted and the Final Order issued on the 16th day.

36. This Settlement Agreement may be used in interpreting the Order. Agreements, understandings, representations, or interpretations apart from those contained in this Settlement Agreement and Order may not be used to vary or contradict its terms.

37. The provisions of this Settlement Agreement and Order shall apply to Small World and each of its successors and assigns.

38. Small World shall notify the CPSC in writing at least thirty (30) calendar days prior to any reorganization, dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiaries, or any other changes in the corporate structure of Small World that may affect compliance obligations arising out of this Settlement Agreement and Order. Such notice shall be sent by certified mail, return receipt requested to: Assistant Executive Director for Compliance, Consumer Product Safety Commission, Washington, D.C. 20207-0001.

39. Upon final acceptance of this Agreement, the Commission shall issue the attached Final Order.

Respondent Small World Toys, Inc.

Dated: October 6, 1998.

Edward M. Goldwasser,

President, Small World Toys, Inc., 5711 Buckingham Parkway, Culver City, CA 90231.

Dated: October 7, 1998.

Michael A. Brown,

Esquire,

Margaret A. Freeston,

Esquire, Brown & Freeston, P.C., 3201 New Mexico Avenue, N.W., Suite 242, Washington, D.C. 20016-2756.

Commission Staff

Alan H. Schoem,

Assistant Executive Director, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207-0001.

Eric L. Stone,

Director, Legal Division, Office of Compliance.

Dated: October 8, 1998.

Dennis C. Kacoyanis,

Trial Attorney, Legal Division, Office of Compliance.

Order

Upon consideration of the Settlement Agreement entered into between Respondent Small World Toys, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Small World Toys, 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, Small World Toys, Inc. shall pay to the Commission a civil penalty in the amount of TWO HUNDRED TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$225,000.00) in three (3) payments. The first payment of SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) shall be due within twenty (20) days after service upon Respondent of the Final Order of the Commission accepting the attached Settlement Agreement or December 20, 1998 whichever is later. The second payment of SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) shall be due on December 20, 1999. The third payment of SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) shall be due on December 20, 2000. Upon the failure by Small World Toys, Inc. to make a payment or upon the making of a late payment by Small World Toys, Inc. (a) the entire amount of the civil penalty shall be due and payable, and (b) 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 (c).

Provisionally accepted and Provisional Order issued on the 4th date of November, 1998.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Consent Decree of Permanent Injunction

The United States of America, on behalf of the Consumer Product Safety Commission, having filed on the 29th day of July, 1986, a complaint seeking to enjoin permanently the defendant from directly or indirectly doing or causing to be done any act in violation of sections 4(a) and (c) of the Federal Hazardous Substances Act (FHSA) 15 U.S.C. 1263(a) and (c) by introducing, delivering for introduction or receiving in interstate commerce any toy or other article intended for use by children under 3 years of age which is a banned hazardous substance pursuant to 15 U.S.C. 1261(q)(1)(A), and the regulations issued thereunder, 16 CFR 1500.18(a)(9) and 16 CFR Part 1501, 16 CFR Part 1510, 16 CFR 1500.48 and .49; and from directly or indirectly doing or causing to be done any act or violation of section 19(a)(2) of the Consumer Product Safety

Act (CPSA), 15 U.S.C. 2068(a)(2), by manufacturing for sale, offering for sale; distributing in commerce or importing into the United States any toy or other article intended for use by children that are banned under 16 CFR Part 1303, regarding articles bearing lead containing paint. The defendant, Small World Toys, a corporation, having consented to the entry of this decree and to each and every provision hereof, without contest and before any testimony has been taken, and the United States having moved this Court for this permanent injunction:

Now, therefore, it is ordered, adjudged and decreed that:

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1337 and 1345 and 15 U.S.C. 1267(a) and has personal jurisdiction over the defendant.

2. Small World Toys, ("Small World"), a corporation organized and existing under the laws of the State of California, with its principal place of business located at 5711 Buckingham Parkway, Culver City, California 90230, is in the business of importing and distributing toys that are subject to the requirements of the FHSA and the regulations issued thereunder.

3. Defendant has introduced, delivered for introduction or received in interstate commerce, children's toys called Ambi "Funhouse," Model No. E71; Ambi "Jack in the Ball," Model No. E153; Ambi "Mini-Racer," Model No. E666; Royal Company Ltd., "Water Wheel," Model No. 1928; Jimson, "Super Air Bus," Model No. 349; Jimson "Elephant Boat," Model No. 376; Jimson, "See Thru Locomotive," Model No. 270T; Discovery World/Small World Toys "Lift & Learn Puzzles," Model Nos. 2501, 2502, 2503, 2504, 2505 and 2506; Discovery World/Small World Toys "Scratch & Sniff Puzzles," Model Nos. 2507, 2508, 2509, 2510, and 2512; Hermann Eichhorn GmbH. Hu. Co., K6, "Wooden Train," Model No. 2037 and Hans Clemens Co., "Stuffed Bears," Model No. 51250.

4. The Commission believes the toys referred to in paragraph 3 are toys intended for use by children under three and are subject to the requirements of the FHSA and its regulations.

5. The Commission believes the children's toys referred to in paragraph 3 above are banned hazardous substances pursuant to section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261(q)(1)(A), and the regulations issued thereunder, 16 CFR 1500.18(a)(9) and 1501 because they exhibit small parts which present choking, aspiration or ingestion hazards when subject to the

test requirements of 16 CFR 1500.51 and 1500.52 and 1501.4.

6. The defendant voluntarily agreed to the Commission's request to stop distributing the Ambi "Funhouse," Royal Company "Water Wheel," Jimson "Super Air Bus," Jimson "Elephant Boat," Herman Eichorn Gm. Hu. Co. "Wooden Train," Hans Clemens Co. "Stuffed Bear," and Jimson "See Thru Locomotive" until such time as they have been changed and complied with the requirements of the FHSA. The defendant also agreed to recall the Ambi "Jack in the Ball," and agreed to a limited recall from the retail level of the Discovery World/Small World Toys "Lift & Learn Puzzles" and "Scratch & Sniff Puzzles," and a limited recall of the hat of the Ambi "Mini-Racer," including an incentive program to encourage consumers to return the hat, and agreed not to sell such products until such time as the products were or have been appropriately modified.

7. The defendant, and each and all of its directors, officers, agents, servants, representatives, employees, successors or assigns, and any and all persons in active concert or participation with it, are hereby enjoined from directly or indirectly doing or causing the introduction, delivery for introduction or receipt in interstate commerce, of:

(a) Any toy or other article intended for use by children under three years of age that presents a choking, aspiration or ingestion hazard because of small parts as defined in 16 CFR Part 1501 or which when tested in accordance with 16 CFR 1501.4 and 1500.51 and .52, presents a choking, aspiration or ingestion hazard because of small parts as defined in 16 CFR Part 1501.

(b) Any toy or article intended for use by children that does not comply with the requirements of 16 CFR 1500.48 and .49, regarding sharp points and edges.

(c) Any rattle which does not comply with the requirements of 16 CFR Part 1510.

(d) Any toy or other article intended for use by children that does not comply with the requirements of 16 CFR Part 1303, regarding articles bearing lead containing paint.

8. Although the FHSA does not require manufacturers, distributors or importers to test any products, the defendant agrees to conduct, or have conducted on its behalf, the tests described in 16 CFR 1501.4 and 1500.51 and .52 to detect any banned hazardous toys or other articles intended for use by children under three years of age. The testing shall be as follows:

(a) Samples of each model of toy or other article intended for use by children shall be tested at least twice

each calendar year. However, if only one shipment of a model is received during the calendar year, samples of the model shall be tested only one time during the calendar year. The samples shall be tested before items from the shipment(s) involved are introduced or delivered for introduction into interstate commerce by defendant or its agents.

(b) A sample shall consist of at least six items of a model, but the Commission encourages defendant to use 12 or more items. The number of items used shall be divided evenly between each of the tests required under this paragraph, except that the torque and tension tests, 16 CFR 1500.51 (e) and (f) and .52 (e) and (f), shall be conducted on the same items.

(c) The items in each sample shall be selected at random from as many cartons as possible and from more than one shipment if possible.

(d) Each item in the sample shall be tested in accordance with 16 CFR 1501.4, 1500.51 and .52. If any items from the sample fail the testing requirements, the shipment(s) from which these items were selected shall not be released into interstate commerce until such time as the products have been appropriately modified or a remedial plan under subsection (e) is implemented. The defendant shall notify the Commission within three (3) working days of defendant's actual or constructive receipt of such test results and shall provide CPSC with a copy of any written failing test reports. Such notification shall be sent by certified mail, return receipt requested, to the following address: Consumer Product Safety Commission, Western Regional Office, 555 Battery Street, Room 401, San Francisco, California 94111.

(a) Upon receipt of such notification, the Commission will then discuss with defendant what remedial action may be necessary.

9. The Commission agrees that defendant has 30 days from the effective date of this consent decree to complete the initial testing required by paragraph eight (8) of all toys intended for children under three subject to the decree which are in their possession or control on the effective date of the decree. For those toys or articles distributed by defendant which are age labeled for children over three years or which are not age labeled, but which defendant believes may be subject to this consent decree because they are toys or other articles intended for use by children under three years of age, defendant shall seek guidance from the Commission within 10 days of entry of this consent decree on whether the Commission believes these toys or other articles are subject to this consent

decree. Defendant has 30 days from the receipt of such guidance in which to complete the initial testing required by paragraph eight (8) of this consent decree.

10. For the purpose of complying with the terms of this consent decree, the tests required by 16 CFR 1500.51(b)(2) and .52(b)(2) may be conducted using resilient non-textile floor Type IV tiles that conform to federal specification SS-T-312B.

11. Defendant agrees to maintain records of the tests conducted pursuant to paragraph eight (8) for a period of 3 years. Such records shall include, but not be limited to, the date of the test, the procedure used, the citation of the Code of Federal Regulations of each test used, the number of samples tested, and the results.

12. CPSC, its agents and duly authorized representatives shall be permitted to enter any of defendant's facilities at reasonable times to inspect defendant's business premises and defendant's business records relating to the matters that are the subject of this Consent Decree; to collect any samples; and to conduct any tests which the Consumer Product Safety Commission believes are necessary to ensure that the purposes of this decree are implemented.

13. Defendant shall notify the Consumer Product Safety Commission, in writing, at least 30 days before any changes such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporate structure of Small World Toys that may affect compliance obligations arising out of this Consent Decree. Such notice shall be sent, certified mail, return receipt requested, to the address in paragraph eight (8) above.

14. Defendant shall conduct an immediate limited recall of the hat of the Ambi "Mini-Racer," combined with an incentive program approved by the Consumer Product Safety Commission, to encourage consumers to return the hat. The defendant shall also conduct an immediate limited recall from the retail level of the Discovery World/Small World Toys "Lift & Learn Puzzles" and "Scratch & Sniff Puzzles." The recalls shall, at a minimum, consist of written notification approved by the Commission to each of defendant's customers, such as retailers and distributors, who obtained the toys from the defendant. All aspects of the recall shall be approved by the Commission. Defendant shall also stop distribution of the Ambi "Funhouse," Royal Company "Water Wheel," Jimson "Super Air

Bus," Jimson "Elephant Boat," Hermann Eichorn Gm. Hu. Co. "Wooden Train," Hans Clemens Co. "Stuffed Bear" and Jimson "See Thru Locomotive," until such time as they have been changed and comply with the requirements of the FHSA.

15. The parties to this consent decree agree that the Court retains jurisdiction of these matters for the purpose of enabling any party to the consent decree to apply for any further orders that may be needed to construe, carry out, modify, terminate or enforce compliance with the terms of this agreement.

16. By signing this consent decree, the defendant does not admit any violation of the FHSA and does not admit that any of its actions described in paragraphs six (6) and fourteen (14) above were taken to correct any violations of the FHSA.

Dated: Los Angeles, California, July 30, 1986.

Small World Toys

Edward M. Goldwasser,
President.

Michael A. Brown,
Counsel for Small World Toys.

Schmeltzer, Aptaker & Sheppard, P.C.,
1800 Massachusetts Avenue, NW., Suite 500,
Washington, DC 20036, (202) 828-1000.

Approved and so ordered:

John G. Davies

Dated: July 31, 1986.

For the United States

Richard K. Willard,
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[FR Doc. 98-30163 Filed 11-10-98; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of the Navy Planning and Steering Advisory Committee

ACTION: Notice.

SUMMARY: The Navy Planning and Steering Advisory Committee (PSAC) has been renewed in consonance with the public interest, and in accordance with the provisions of Pub. L. 92-463, the "Federal Advisory Committee Act."

The PSAC provides objective advice and recommendations to the Secretary of Defense, the Secretary of the Navy and the Chief of Naval Operations on matters relating to ballistic missile security and anti-submarine warfare. The committee establishes a technical dialogue between experts from the public and private sectors on matters of national security involving the ballistic missile program.

The PSAC will be composed of approximately 25 members, from government and private academic, scientific, and intelligence communities who are experts in the disciplines of ballistic missile security and anti-submarine warfare, thus ensuring a fairly balanced membership in terms of the functions to be performed and the interest groups represented.

For further information regarding the PSAC, contact: Laura Wurzer, Department of the Navy, telephone: 703-602-4039.

Dated: November 5, 1998.

L.M. Bynum,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

[FR Doc. 98-30160 Filed 11-10-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on December 1, 1998; December 8, 1998; December 15, 1998; December 22, 1998 and December 29, 1998, at 10:00 a.m. in Room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92-463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301-4000.

Dated: 5 November 1998.

L.M. Bynum,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

[FR Doc. 98-30159 Filed 11-10-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Graviton, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Graviton, Inc., a revocable, nonassignable, exclusive license in the United States and certain foreign countries, to practice the Government-owned inventions described in U.S. Patent No. 5,372,930 entitled "Sensor for Ultra-Low Concentration Molecular Recognition" issued December 13, 1994; U.S. Patent No. 5,807,758 entitled "Chemical and Biological Sensor Using An Ultra-Sensitive Force Transducer" issued September 15, 1998; U.S. Patent Application Serial No. 08/794,979 (Navy Case No. 77,576) entitled "Biosensor Using Magnetically-Detected Label" filed February 5, 1997; U.S. Patent Application Serial No. 09/008,782 (Navy Case No. 78,183) entitled "Force Discrimination Assay" filed January 20, 1998; U.S. Patent Application Serial No. 09/074,541 (Navy Case No. 78,838) entitled "Apparatus and Method for Measuring Intermolecular Interactions by Atomic Force Microscopy" filed May 8, 1998; in the field of pharmaceutical biological assays, clinical diagnostics, and biochemical sensors.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than January 11, 1999.

ADDRESSES: Written objections are to be filed with the Office of Naval Research, ONR OOC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217-5660.

FOR FURTHER INFORMATION CONTACT: Dr. Richard H. Rein, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375-5320, telephone (202) 767-7230.