

**SUPPLEMENTARY INFORMATION:** Cellulose insulation is a form of thermal insulation used in houses and other residential buildings. Most cellulose insulation is manufactured by shredding and grinding used newsprint and adding fire-retardant chemicals.

In 1979, the CPSC issued the Interim Safety Standard for Cellulose Insulation, which is codified at 16 CFR Part 1209. That standard contains performance tests to assure that cellulose insulation will resist ignition from sustained heat sources, such as smoldering cigarettes or recessed light fixtures, and from small open-flame sources, such as matches or candles. The standard also contains tests to assure that cellulose insulation will not be corrosive to copper, aluminum, or steel, if exposed to water.

Certification regulations in the standard require manufacturers, importers, and private labelers of cellulose insulation subject to the standard to perform tests to demonstrate that their products meet the requirements of the standard. These parties are also required to maintain records of those tests. The certification requirements are codified at 16 CFR Subpart B.

The Commission uses the information compiled and maintained by these parties to help determine whether cellulose insulation subject to the standard complies with all applicable requirements. The Commission also uses this information to obtain corrective actions if cellulose insulation fails to comply with the standard in a way that creates a substantial risk of injury to the public.

OMB approved the collection of information in the certification regulations under control number 3041-0022. OMB's most recent extension of approval will expire on November 30, 1997. The Commission has requested an extension without change until November 30, 2000.

**Burden statement:** The Commission's staff estimates that the respondent burden will average 1,320 hours per response. That estimate includes the time needed to conduct the tests required by the regulations and to create and maintain records of the results of those tests.

**Respondents/Affected entities:** Businesses that manufacture, import, or private label cellulose insulation used in houses and other residential buildings.

**Estimated number of respondents:** 45.

**Estimated Total Annual Burden on Respondents:** 59,400 hours.

**Frequency of Collection:** As determined by respondents to be

necessary to provide a reasonable testing program.

On August 28, 1997, the Commission published a **Federal Register** notice stating its intention to request an extension of approval of this collection of information, and requesting comments from the public. 62 FR 45630. The Commission received no comments on that notice.

*Send comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, to:* Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CPSC, 725 17th Street, NW, Washington, DC 20503. Please refer to OMB Control No. 3041-0022 in any correspondence.

Dated: November 10, 1997.

**Sadye E. Dunn,**

*Secretary Consumer Product Safety Commission.*

[FR Doc. 97-30036 Filed 11-13-97; 8:45 am]

BILLING CODE 6355-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 98-C0002]

### Ross Stores, Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Provision 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 CFR 1605.13(d). Published below is a provisionally-accepted Settlement Agreement with Ross, Inc., a corporation, "containing a civil penalty of \$200,000."

**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 29, 1997.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 98-C0002, 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.

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

Dated: November 10, 1997.

**Sadye E. Dunn,**

*Secretary.*

### Settlement Agreement and Order

1. Ross Stores, Inc., (hereinafter, "Ross Stores" or "Respondent"), 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 incorporated herein. The purpose of this Agreement and Order is to settle the staff's allegations that Respondent sold and offered for sale, in commerce, certain women's 100% rayon sheer chiffon skirts and scarves and certain cotton/polyester reverse fleece shirts that failed to comply with the Clothing Standard for the Flammability of Clothing Textiles (hereinafter, "Clothing Standard"), 16 CFR Part 1610, in violation of section 3 of the Flammable Fabrics Act (FFA), 15 U.S.C. § 1192.

#### I. The Parties

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

3. Respondent Ross Stores is a corporation organized and existing under the laws of the State of Delaware with principal corporate offices at 8333 Central Avenue, Newark, California 94560. Respondent operates a chain of off-price retail stores offering apparel and apparel-related merchandise as well as a merchandise for the home.

#### II. Allegations of the Staff

##### A. Rayon Sheer Chiffon Skirts

4. Between April 1994 and August 1994, Respondent sold, or offered for sale, in commerce, approximately 1,500 style no. 15016 and approximately 1,200 style no. PS 480 women's 100% sheer chiffon rayon skirts.

5. The skirts identified in paragraph 4 above are subject to the Clothing Standard, 16 CFR 1610, issued under section 4 of the FFA, 15 U.S.C. § 1193.

6. The staff tested samples of the skirts identified in paragraph 4 above for compliance with the requirements of the Clothing Standard. See 16 CFR 1610.3 and 4. The test results showed that

the skirts violated the requirements of the Clothing Standard and, therefore, were dangerously flammable and unsuitable for clothing because of rapid and intense burning.

7. On August 6, 1994, the staff informed Respondent that the skirts identified in paragraph 4 above failed to comply with the Clothing Standard and requested that it review its entire product line for other potential violations.

8. Respondent knowingly sold, or offered for sale, in commerce, the skirts identified in paragraph 4 above, as the term "knowingly" is defined in section 5(e)(4) of the FFA, 15 U.S.C. § 1194(e)(4), in violation of section 3 of the FFA, 15 U.S.C. § 1192, for which a civil penalty may be imposed pursuant to section 5(e)(1) of the FFA, 15 U.S.C. § 1194(e)(1).

#### B. Rayon Scarves

9. Between August 1994 and September 1995, Respondent sold, or offered for sale, in commerce, approximately 16,000 rayon scarves.

10. The scarves identified in paragraph 9 above are subject to the Clothing Standard, 16 CFR 1610, issued under section 4 of the FFA, 15 U.S.C. § 1193.

11. The staff tested samples of the scarves identified in paragraph 9 above for compliance with the requirements of the Clothing Standard. See 16 CFR 1610.3 and .4. The test results showed that the scarves violated the requirements of the Clothing Standard, and, therefore, were dangerously flammable and unsuitable for clothing because of rapid and intense burning.

12. Respondent knowingly sold, or offered for sale, in commerce, the scarves identified in paragraph 9 above, as the term "knowingly" is defined in section 5(e)(4) of the FFA, 15 U.S.C. § 1194(e)(4), in violation of section 3 of the FFA, 15 U.S.C. § 1192, for which a civil penalty may be imposed pursuant to section 5(e)(1) of the FFA, 15 U.S.C. § 1194(e)(1).

#### C. Reverse Fleece Shirts

13. Between August 1996 and April 1997, Respondent sold, or offered for sale, in commerce, approximately 28,000 style no. 853020, approximately 400 style no. 11261217, and approximately 1,300 style no. 1266/2216 cotton/polyester reverse fleece shirts.

14. The reverse fleece shirts identified in paragraph 13 above are subject to the Clothing Standard, 16 CFR 1610, issued under section 4 of the FFA, 15 U.S.C. § 1193.

15. The staff tested samples of the reverse fleece shirts identified in paragraph 13 above for compliance with the requirements of the Clothing Standard. See 16 CFR 1610.3 and .4. The test results showed that the fleece wear violated the requirements of the Clothing Standard and, therefore, were dangerously flammable and unsuitable for clothing because of rapid and intense burning.

16. On January 8, 1997, April 8, 1997, and April 11, 1997, the staff informed Respondent that the reverse fleece shirts identified in paragraph 13 above failed to comply with the Clothing Standard.

17. Respondent knowingly sold, or offered for sale, in commerce, the reverse fleece shirts identified in paragraph 13 above, as the term "knowingly" is defined in section 5(e)(4) of the FFA, 15 U.S.C. § 1194(e)(4), in violation of section 3 of the FFA 15 U.S.C. § 1192, for which a civil penalty may be imposed pursuant to section 5(e)(1) of the FFA, 15 U.S.C. § 1194(e)(1).

### III. Response of Ross Stores

18. Ross Stores denies the allegations of the staff set forth in paragraphs 4 through 17 above, and in particular, that it knowingly sold, or offered for sale, in commerce, the violative skirts, scarves, and reverse fleece shirts identified in paragraphs 4, 9, and 13 above, in violation of section 3 of the FFA, 15 U.S.C § 1192.

19. Respondent states that it ordered the skirts, scarves, and reverse fleece shirts identified in paragraphs 4, 9, and 13 above from reliable vendors who purported to sell to Respondent skirts, scarves, and reverse fleece shirts that complied with all laws, including the Flammable Fabrics Act and the Clothing Standard.

20. Any payment referenced in the attached Order is proffered solely in compromise of the staff's allegations and shall not be construed as an admission of any liability for a civil penalty or otherwise.

21. Respondent participated with the Commission in voluntary recalls of the skirts on August 12, 1994, the scarves on September 6, 1995, and the reverse fleece shirts on February 28, 1997 and April 8, 1997.

22. Further, Respondent has received no reports of incidents or injuries from the use of any products enumerated in paragraphs 4, 9, and 13.

### IV. Agreement of the Parties

23. The Commission has jurisdiction over Ross Stores and the subject matter of this Settlement Agreement and Order under the Consumer Product Safety Act,

15 U.S.C. § 2051 *et seq.*; the Flammable Fabrics Act (FFA), 15 U.S.C. § 1191 *et seq.*; and the Federal Trade Commission Act (FTCA), 15 U.S.C. § 41 *et seq.*

24. This Agreement is entered into for settlement purposes only and does not constitute an admission by Respondent or a determination by the Commission that Respondent knowingly violated the FFA and the Clothing Standard. By entering into this Agreement, Respondent makes no admission, and the Commission makes no finding, of any fault, liability or statutory violation. This Agreement becomes effective only upon its final acceptance by the Commission and service of the incorporated Order upon Respondent.

25. 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 CFR 1605.13(d). 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 to be finally accepted on the 20th day after the date it is published in the **Federal Register**.

26. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, Ross Stores knowingly, voluntarily, and completely waives any rights if 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 Ross Stores failed to comply with the FFA and the Clothing Standard as aforesaid, (4) to a statement of findings of facts and conclusions of law, and (5) to any claims under the Equal Access to Justice Act.

27. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, the Commission specifically waives its right to initiate any other civil, administrative or criminal action against the Respondent, its stockholders, officers, directors, employees, agents, successors, and assigns with respect to those alleged violations.

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

29. A violation of the attached Order shall subject Respondent to appropriate legal action.

30. The Commission may disclose the terms of this Settlement Agreement and Order to the public consistent with section 6(b) of the CPSA, 15 U.S.C. § 2055(b).

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

32. The provisions of the Settlement Agreement and Order shall apply to Ross Stores and each of its successors, assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other business entity, or through any agency, device, or instrumentality.

Dated: September 30, 1997.

Respondent Ross Stores, Inc.  
Michael Balmuth,  
*Vice Chairman and Chief Executive Officer,*  
*Ross Stores, Inc., 8333 Central Avenue,*  
*Newark, CA 94560.*

Commission Staff.

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

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

Dated: October 02, 1997.

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

**Order**

Upon consideration of the Settlement Agreement entered into between

Respondent Ross Stores, Inc., (hereinafter, "Ross Stores" or "Respondent"), a corporation, and the staff of the Consumer Product Safety Commission ("Commission"); and the Commission having jurisdiction over the subject matter and Respondent; and it appearing that the Settlement Agreement and Order is in the public interest, it is

*Ordered*, that the Settlement Agreement and Order be and hereby is accepted, as indicated below; and it is *Further Ordered*, that Respondent pay to the United States Treasury a civil penalty of *Two Hundred Thousand Dollars* (\$200,000.00) within twenty (2) days after service upon Respondent of the Final Order.

Provisionally accepted and Provisional Order issued on the 10th day of November 1997.

By Order of the Commission.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 97-30038 Filed 11-13-97; 8:45 am]

BILLING CODE 6355-01-M

published a notice to announce a meeting of the Defense Partnership Council to be held November 19, 1997. This notice is to announce that the meeting is changed to November 17, 1997, due to conflicts in members' schedules.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth Oprisko, Chief, Labor Relations Branch, Field Advisory Services Division, Defense Civilian Personnel Management Service, 1400 Key Boulevard, Suite B-200, Arlington, VA 22209-5144, (703) 696-1450.

Dated: November 7, 1997.

**L.M. Bynum,**

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

[FR Doc. 97-29974 Filed 11-13-97; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**In-Progress Air Force Cost Comparisons As of July 1, 1997**

The Air Force is conducting the following cost comparisons in accordance with OMB Circular A-76, Performance of Commercial Activities.

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**Defense Partnership Council Meeting**

**AGENCY:** Department of Defense.

**ACTION:** Notice of meeting change.

**SUMMARY:** On October 9, 1997, 62 FR 5382, the Department of Defense

Installation	State	Cost comparison	Announced full time equivalents
Maxwell AFB .....	AL	Grounds Maintenance .....	8
Clear .....	AK	Power Production .....	34
Eielson AFB .....	AK	Miscellaneous Services .....	11
Eielson AFB .....	AK	Admin Telephone PBX .....	10
Elmendorf AFB .....	AK	Power Production .....	36
Elmendorf AFB .....	AK	Military Family Housing Mgmt .....	22
Edwards AFB .....	CA	Base Supply .....	327
Los Angeles AFS .....	CA	Communication Functions .....	13
Los Angeles AFS .....	CA	Publications Distribution Office .....	5
Los Angeles AFS .....	CA	Education Services .....	28
March AFB .....	CA	Airfield Operations & Weather .....	41
March AFB .....	CA	Transient Aircraft Maintenance .....	0
March AFB .....	CA	Base Operating Support .....	237
Onizuka AFS .....	CA	Utilities Plant .....	25
Travis AFB .....	CA	Military Family Housing Maint .....	38
Vandenberg AFB .....	CA	Base Operating Support .....	217
Vandenberg AFB .....	CA	Structural Maintenance .....	32
Buckley ANGB .....	CO	Airfield Management .....	37
Falcon AFB .....	CO	Communication O&M .....	205
Falcon AFB .....	CO	Utilities Plant .....	22
Peterson AFB .....	CO	Base Operating Support .....	179
USAF Academy .....	CO	Mess Attendants .....	170
Eglin AFB .....	FL	Library .....	8
Eglin AFB .....	FL	Civil Engineering .....	96
Homestead AFB .....	FL	Airfield Operations & Weather .....	25
Homestead AFB .....	FL	Base Operating Support .....	149