

**Agenda**

*Monday, October 26*

Opening remarks  
Committee deliberations  
Public Comment  
Adjourn

*Tuesday, October 27*

Reconvene  
Committee deliberations  
Public Comment  
Closing remarks

This agenda is subject to change. For an updated, more detailed agenda, please check the Advisory Committee's homepage at [www.ntia.doc.gov/pubintadvcom/pubint.htm](http://www.ntia.doc.gov/pubintadvcom/pubint.htm).

**Public Participation**

The meeting will be open to the public, with limited seating available on a first-come, first-served basis. This meeting is physically accessible to people with disabilities. Any member of the public requiring special services, such as sign language interpretation or other ancillary aids, should contact Karen Edwards at least five (5) working days prior to the meeting at 202-482-8056 or at [piac@ntia.doc.gov](mailto:piac@ntia.doc.gov).

Members of the public may submit written comments concerning the Committee's affairs at any time before or after the meeting. The Secretariat's guidelines for public comment are described below and are available on the Advisory Committee homepage ([www.ntia.doc.gov/pubintadvcom/pubint.htm](http://www.ntia.doc.gov/pubintadvcom/pubint.htm)) or by calling 202-482-8056.

**Guidelines for Public Comment**

The Advisory Committee on Public Interest Obligations of Digital Television Broadcasters welcomes public comments. *Oral Comment:* In general, opportunities for oral comment will usually be limited to no more than five (5) minutes per speaker and no more than thirty (30) minutes total at each meeting. *Written Comment:* Written comments must be submitted to the Advisory Committee Secretariat at the address listed below. Comments can be submitted either by letter addressed to the Committee (please place "Public Comment" on the bottom left of the envelope and submit at least thirty-five (35) copies) or by electronic mail to [piac@ntia.doc.gov](mailto:piac@ntia.doc.gov) (please use "Public Comment" as the subject line). Written comments received within three (3) working days of a meeting and comments received shortly after a meeting will be compiled and sent as briefing material to Committee members prior to the next scheduled meeting.

**Obtaining Meeting Minutes**

Within thirty (30) days following the meeting, copies of the minutes of the meeting may be obtained over the Internet at [www.ntia.doc.gov/pubintadvcom/pubint.htm](http://www.ntia.doc.gov/pubintadvcom/pubint.htm), by phone request at 202-482-8056, by email request at [piac@ntia.doc.gov](mailto:piac@ntia.doc.gov) or by written request to Karen Edwards; Advisory Committee on Public Interest Obligations of Digital Television Broadcasters; National Telecommunications and Information Administration; U.S. Department of Commerce, Room 4720; 14th Street and Constitution Avenue N.W., Washington, DC 20230.

This notice of open meeting will be published thirteen days prior to the meeting date because of uncertainty created by the unavailability of suitable meeting space to accommodate the Committee and members of the public. This unavailability is caused by the unprecedented number of business and cultural events taking place in Washington around the meeting dates. Postponing the meeting is not possible because the next meeting date where the majority of Committee members could attend would leave the Committee insufficient time to prepare and submit its report.

**Larry Irving,**

*Assistant Secretary for Communications and Information.*

[FR Doc. 98-27576 Filed 10-13-98; 8:45 am]  
BILLING CODE 3510-60-P

**DEPARTMENT OF COMMERCE****Patent and Trademark Office****Performance Review Board**

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Announcement of membership of the Patent and Trademark Office Performance Review Board.

**SUMMARY:** In conformance with the Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4), the Patent and Trademark Office announces the appointment of persons to serve as members of its Performance Review Board.

**ADDRESSES:** Comments should be addressed to Director, Office of Human Resources, Patent and Trademark Office, One Crystal Park, Suite 707, Washington, DC 20231.

**FOR FURTHER INFORMATION CONTACT:** Alethea Long-Green at the above address or telephone (703) 305-8062.

**SUPPLEMENTARY INFORMATION:** The membership of the Patent and

Trademark Office Performance Review Board is as follows:

*Gloria Gutiérrez, Chairman,*  
Acting Deputy Associate Commissioner for Administration and Quality Services,  
Patent and Trademark Office,  
Washington, DC 20231,  
*Term—expires September 30, 1999.*

*Mary C. Lee,*  
Deputy Director, Patent Examining Group,  
Patent and Trademark Office,  
Washington, DC 20231  
*Term—expires September 30, 1999*

*Jin F. Ng,*  
Director, Patent Examining Group, Patent and Trademark Office, Washington, DC 20231  
*Term—expires September 30, 2000*

*Barbara S. Fredericks*  
Assistant General Counsel for Administration, Department of Commerce, Washington, DC 20230  
*Term—expires September 30, 1999*

*Robert M. Anderson*  
Deputy Assistant Commissioner for Trademarks, Patent and Trademark Office, Washington, DC 20231  
*Term—expires September 30, 1999*

*Gerald R. Lucas*  
Director, Eastern Administrative Support Center, Department of Commerce, Norfolk, VA 23510  
*Term—expires September 30, 1999*

*Robert F. Kugelman*  
Director of Administration, Bureau of Export Administration, Department of Commerce, Washington, DC 20230  
*Term—expires September 30, 1999*

*E. Melodee Stith*  
Director, Office for Equal Opportunity, Department of the Interior, Washington, DC 20240  
*Term—expires September 30, 1999*

Dated: October 6, 1998.

**Bruce A. Lehman,**

*Assistance Secretary of Commerce and Commissioner of Patents and Trademarks.*

[FR Doc. 98-27412 Filed 10-13-98; 8:45 am]  
BILLING CODE 3510-16-M

**CONSUMER PRODUCT SAFETY COMMISSION**

[CPSC Docket No. 99-C0001]

**Schneitter Fireworks and Importing Co., Inc., 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 Schneitter Fireworks and Importing Co.,

Inc., a corporation, containing a civil penalty of \$60,000.

**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 October 29, 1998.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 99-C0001, 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: October 7, 1998.

**Sadye E. Dunn,**  
*Secretary.*

**Settlement Agreement and Order**

In the matter of Schneitter Fireworks and Importing Co., Inc., a corporation.  
[CPSC Docket No. 99-C0001]

1. Schneitter Fireworks and Importing Co., Inc. (hereinafter, "Schneitter"), a corporation, enters into this Settlement Agreement and Order (hereinafter, "Settlement Agreement" or "Agreement") with the staff on the Consumer Product Safety Commission, and agrees to the Order described herein. The purpose of the Settlement Agreement is to settle the staff's allegations that Schneitter knowingly violated sections 4(a) and (c) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1263(a) and (c).

*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. Schneitter is a corporation organized and existing under the laws of the State of Missouri since 1967. Schneitter's principal place of business is located at N.E. Highway I-29 and 71 Highway, Saint Joseph, MO 64501. Schneitter is an importer and wholesaler of fireworks.

*II. Allegations of the Staff*

4. On 15 occasions between June 5, 1991, and April 9, 1997, Schneitter introduced or caused to be introduced into interstate commerce; or received in interstate commerce 33 different kinds of fireworks (4,926,072 retail units) identified and described below that failed to comply with the Commission's Fireworks Regulations at 16 CFR Part 1507 and 16 CFR 1500.14(b)(7) and 1500.17(a)(3):

Collection date	Sample No.	Product	Violation
06/20/91	M-830-0642	Cherry Blossom	Pyrotechnic Leak.
06/20/91	M-830-0643	Triple Whistling Rocket	Fuse Burn Time, Stick Rigidity.
06/20/91	M-830-0644	Assorted Rocket	Side Ignition, Fuse Burn Time.
06/20/91	M-830-0645	Sound of Music	Side Ignition, Fuse Burn Time.
06/20/91	M-830-0646	Crackling Blue Assorted Rocket	Fuse Burn Time, Fuse Attachment.
06/20/91	M-830-0647	Phoenix Playgun	Fuse Burn Time.
06/05/91	M-830-7055	Whistling Jupiter Missile	Fuse Burn Time, Fuse Attachment.
04/16/92	P-830-6545	Shot Saturn With Crackers	Fuse Burn Time.
06/18/92	P-830-6558	Honey Flowers	Fuse Attachment.
05/24/93	R-830-6847	General Custer's Last Stand	Fuse Attachment, Excess Pyro. Comp.
05/24/93	R-830-6848	Three stage Missile Base	Side Ignition, Fuse Burn Time.
05/24/93	R-830-6849	19 Shot Small Festival Balls	Pyro. Leak.
01/24/94	S-830-6008	Small Festival Balls	Burnout/Blowout.
01/24/94	S-830-6009	Kaleidoscope	Fuse Burn Time.
03/01/94	S-830-6020	Small Festival Ball	Fuse Burn Time, Pyro. Leak.
03/01/94	S-830-6021	Whistling Moon Traveller	Fuse Burn Time, Stick Rigidity.
04/21/94	S-830-6033	Nebula 19 Shot	Side Ignition, Fuse Burn Time.
04/21/94	S-830-6034	Nebula 9 Shot	Fuse Burn Time.
05/10/94	S-830-6042	25 Shot Thunder	Fuse Burn Time, Burnout/Blowout, Excess Pyro. Comp.
05/10/94	S-830-6043	Nuclear Bomb	Fuse Attachment, Burnout/Blowout.
11/22/94	T-830-6111	Whistling Bottle Rocket	Fuse Burn Time.
11/22/94	T-830-6112	Crackling Golden Palms	Burnout/Blowout.
04/03/95	T-830-6120	Cosmic Destroyer	Burnout/Blowout.
05/16/95	T-830-6015	Moon Travel	Stick Rigidity.
05/16/95	T-830-6018	Moon Travel	Stick Rigidity.
05/16/95	T-830-6019	Kaleidoscope	Side Ignition, Fuse Burn Time.
04/11/96	96-830-4125	Red Ball Rocket	Excess Pyro. Comp, Label.
05/16/96	96-830-4090	Shot News Transmitter	Fuse Burn Time, Side Ignition.
05/16/96	96-830-4091	Kaleidoscope	Fuse Burn Time.
05/16/96	96-830-4093	Moon Travellers	Fuse Burn Time, Stick Rigidity.
05/16/96	96-830-4094	Small Festival Balls	Fuse Burn Time, Label.
04/09/97	97-830-3866	Colour Smoke Ball	Fuse Burn Time, Label.
04/09/97	97-830-3870	Super Stallion	Excess Pyro. Comp, Label.

5. Each of the fireworks identified in paragraph 4 above is a "banned hazardous substance" pursuant to section 2(q)(1)(B) of the FHSA, 15 U.S.C.

§ 1261(q)(1)(B) 16 CFR Part 1507, and 16 CFR 1500.17(a)(3).

6. Each of the firework devices identified in paragraph 4 that failed to comply with the labeling requirements

are "misbranded hazardous substances" pursuant to section 3(b) of the FHSA, 15 U.S.C. 1262(b) and 16 CFR 1500.14(b)(7).

7. Schneitter knowingly introduced or caused to be introduced into interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the banned and misbranded hazardous fireworks identified in paragraph 4 above, in violation of sections 4(a) and (c) of the FHSA, 15 U.S.C. 1263(a) and (c).

### III. Response of Schneitter

8. Schneitter denies the allegations of the staff set forth in paragraph 4 through 7 above.

9. Schneitter's products comply with all federal statutes and regulations (including those cited above) and are specifically manufactured to comply with such laws.

10. Schneitter uses the American Fireworks Standard Laboratory (AFSL), an independent testing laboratory, to test its fireworks products for compliance with the FHSA and the Commission's Fireworks Regulations. For those fireworks products not tested by the AFSL, Schneitter employees conduct testing pursuant to the American Pyrotechnic Association's (APA) testing program for compliance with the FHSA and the Commission's Fireworks Regulations.

11. Schneitter vehemently denies it knowingly introduced or caused the introduction in interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the banned and misbranded hazardous fireworks identified in paragraph 4 above, in violation of section 4(a) and (c) of the FHSA, 15 U.S.C. 1263(a) and (c).

12. Schneitter is only entering into this Settlement Agreement because of the tremendous legal cost of contesting a fine action against the Commission in Court as well as the negative publicity that could be associated with a long drawn out trial.

### IV. Agreement of the Parties

13. The Consumer Product Safety Commission has jurisdiction over Schneitter and the subject matter of this Settlement Agreement under the 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.*

14. This Settlement Agreement and Order is entered into for the purposes of settlement only and does not constitute a determination by the Commission or an admission by Schneitter that Schneitter knowingly violated the FHSA and the Commission's Fireworks Regulations.

15. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, Schneitter 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 Schneitter failed to comply with the FHSA as aforesaid, (4) to a statement of findings of fact and conclusion of law, and (5) to any claims under the Equal Access of Justice Act.

16. 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.

17. In settlement of the staff's allegations, Schneitter agrees to pay a civil penalty of \$60,000.00 as set forth in the incorporated Order.

18. Upon the full payment of the civil penalty as set forth in the Final Order, the Commission fully releases, acquits, and forever discharges Schneitter and its officers, directors, and/or employees from all claims for civil penalties, demands for civil penalties, liabilities for civil penalties, actions for civil penalties, or causes of actions for civil penalties for all violations from June 5, 1991 through July 22, 1998 for which the Commission has issued letters of advice to Schneitter.

19. Based on current data, the Commission staff believes that fireworks imported under the American Fireworks Standards Laboratory (AFSL) testing and certification program are more likely to comply with the Commission's Fireworks Regulations than non-AFSL fireworks are. Accordingly, the Commission will not pursue FHSA violations against Schneitter for those fireworks products tested and certified by the AFSL as complying with the Commission's Fireworks Regulations, as the AFSL program is currently structured and administered. However, the Commission staff will continue to monitor the AFSL program. If the Commission staff determines that the AFSL program does not adequately assure compliance with the fireworks regulations it will notify Schneitter in writing. After providing such written notice to Schneitter, the Commission staff will have the enforcement discretion to pursue violations of the FHSA and the Commission's Fireworks Regulations against Schneitter for AFSL tested fireworks products received and/or imported by Schneitter after such notification date. The Commission

staff's determination on the adequacy of the AFSL testing and certification program is neither reviewable nor subject to challenge by Schneitter nor provides a basis for Schneitter to challenge this Agreement.

20. 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 118.20(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.

21. 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.

22. The provisions of this Settlement Agreement and Order shall apply to Schneitter and each of its successors and assigns.

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

Respondent Schneitter Fireworks and Importing Company, Inc.

Dated: August 19, 1998.

H.E. Schneitter, Jr.,

*President, Schneitter Fireworks and Importing Company, Inc., N.E. Highways I-29 and 71, Box 547, St. Joseph, MO 64502.*

Dated: August 20, 1998.

Robert B. Hopkins,

*Counsel For Respondent Schneitter Fireworks, and Importing Company, Inc., Ober, Kaler, Grimes & Shriver, 120 East Baltimore Street, Baltimore, MD 21202-1643.*

Commission Staff

Alan H. Schoem,

*Assistant Executive Director, Consumer Product Safety Commission, Office of Compliance, Washington, D.C. 20207-001.*

Eric L. Stone,

*Director, Legal Division, Office of Compliance.*

Dated: August 31, 1998.

Dennis C. Kacoyanis,

*Trial Attorney, Legal Division, Office of Compliance.*

### Order

Upon consideration of the Settlement Agreement entered into between Respondent Schneitter Fireworks and Importing Company, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the

Commission having jurisdiction over the subject matter and Schneitter Fireworks and Importing Company, 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 Order, Schneitter Fireworks and Importing Company, Inc. shall pay to the Commission a civil penalty in the amount of SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) in three (3) payments each. 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 (hereinafter, the "anniversary date"). The second payment of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) shall be made within one (1) year of the anniversary date. The third payment of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) shall be made within two (2) years of the anniversary date. Upon the failure by Schneitter Fireworks and Importing Co., Inc. to make a payment or upon Schneitter Fireworks and Importing Co., Inc. making a late payment (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 7th day of October, 1998.

By Order of the Commission.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 98-27410 Filed 10-13-98; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents; Meeting

**ACTION:** Notice.

**SUMMARY:** The Board will conduct a two-day public meeting to discuss overview strategy, to solicit recommendations from veterans, veterans service organizations, and

other concerned groups, and to obtain information from the Office of the Special Assistant for Gulf War Illnesses and other Federal agencies regarding the causes of Gulf War Illnesses.

**DATES:** November 19-20, 1998.

**ADDRESSES:** Senate Hart Office Building, Room SH-216, 2nd Street and Constitution Avenue, NE, Washington, DC 20510.

**FOR FURTHER INFORMATION:** Contact Mr. Roger Kaplan, Deputy Executive Director, Special Oversight Board, 1401 Wilson Blvd, Suite 401, Arlington, VA 22209, phone (703) 696-9470, fax (703) 696-4062, or via Email at *Gulfsyn@osd.pentagon.mil*. Requests for oral comments must be sent in writing to Mr. Kaplan and be received no later than noon Eastern Time on Friday November 6, 1998. Written comments must be received no later than Thursday November 12, 1998. Copies of the draft meeting agenda can be obtained by contacting Ms. Becky Love at (703) 696-9464 or at the above fax number or above Email.

**SUPPLEMENTARY INFORMATION:** Seating in Room SH-216 is limited, and spaces will be reserved only for scheduled speakers. The remaining seating is available on a first-come, first-served basis. No teleconference lines will be available. The Special Oversight Board expects that public statements presented at its meetings will deal only with recommendations on how the Board can best oversee Department of Defense investigations of Gulf War chemical and biological incidents. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. Written comments may be mailed to Board members if at least 20 copies are received in the Special Oversight Board Staff Office no later than November 5, 1998. Comments received during November 6-12 will be provided to Board members upon their arrival in Washington. Written comments received after November 12 will be mailed to Board members after the adjournment of the November 1998 meeting.

Dated: October 6, 1998.

**L.M. Bynum,**

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

[FR Doc. 98-27409 Filed 10-13-98; 8:45 am]

BILLING CODE 5000-04-M

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Inland Waterways Users Board

**AGENCY:** Corps of Engineers, DoD.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** In accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92-463) announcement is made of the next meeting of the Inland Waterways Users Board. The meeting will be held on November 4, 1998, in New Orleans, Louisiana, at the U.S. Army Corps of Engineers District Office Building, 7400 Leake Avenue, New Orleans, Louisiana, (Tel. 504-862-2288). Registration will begin at 12:30 PM and the meeting is scheduled to adjourn at 6:00 PM. The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

**FOR FURTHER INFORMATION CONTACT:** Mr. Norman T. Edwards, Headquarters, U.S. Army Corps of Engineers, CECW-PD, Washington, DC 20314-1000.

**SUPPLEMENTARY INFORMATION:** None.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 98-27530 Filed 10-13-98; 8:45 am]

BILLING CODE 3710-92-M

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Proposal to Issue and Modify Nationwide Permits

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent and request for comments.

**SUMMARY:** To further ensure that the proposed nationwide permits (NWP) published in the July 1, 1998, **Federal Register** would only authorize activities that have minimal adverse environmental effects on the aquatic environment, the Corps is proposing additional changes to those proposed NWPs. For example, the Corps is announcing its decision to withdraw the proposed NWP B for master planned development and proposing the addition of a restriction on the use of certain NWP's in the 100 year Floodplain. We are proposing to exclude NWPs in designated critical resource waters and in impaired waters. In addition, the Corps has revised its