

7. Binky-Griptight obtained information which reasonably supported the conclusion that the Li'l Binks contained defects which could create a substantial product hazard or an unreasonable risk of serious injury or death, but failed to report that information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

III. Response of Binky Griptight, Inc.

8. Binky-Griptight, Inc. denies the allegations of the staff that the Li'l Binks contained any defects which could create a substantial product hazard or an unreasonable risk of serious injury or death, pursuant to section 15(a) of the CPSA, 15 U.S.C. 2064(a); it denies that it violated the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b).

9. Binky-Griptight further states that after it identified and corrected the cracking problem and conducted a further recall with the oversight of Commission staff, it also ceased distribution of the affected style of pacifier in 1996. To date, Binky-Griptight has not received any claims or allegation of injury from the Li'l Binks covered by this settlement.

IV. Agreement of the Parties

10. The Commission has jurisdiction over this matter under the CPSA, 15 U.S.C. 2051-2084.

11. Binky-Griptight agrees to pay the Commission one hundred and fifty thousand and 00/100 dollars (\$150,000.00), payable as follows: \$50,000 twenty days after final acceptance of the Order, \$50,000 on the one-year anniversary date of the final acceptance of the Order, and \$50,000 on the two-year anniversary date of the final acceptance of the Order.

2. Binky-Griptight knowingly, voluntarily, and completely waives any rights it may have to an administrative or judicial hearing with respect to the staff allegations cited herein, to judicial review or other challenge or contest of the validity of the Commission's Order, to a determination by the Commission as to whether a violation of section 15(b) of the CPSA, 15 U.S.C. 2064(b), occurred, and to a statement of findings of fact and conclusion of law with regard to the staff allegations.

13. 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 16 CFR § 1118.20(e).

14. The Settlement Agreement and Order take effect upon final acceptance

by the Commission and their service upon Binky-Griptight.

15. Upon final acceptance of this Settlement Agreement by the Commission, the Commission will issue a press release to advise the public of the civil penalty Settlement Agreement and Order.

16. Binky-Griptight agrees to entry of the attached Order, which is incorporated herein by reference, and agrees to be bound by its terms.

17. This Settlement Agreement and Order are binding upon Binky-Griptight and its assigns and successors.

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

Dated: January 12, 1998.

Binky-Griptight, Inc.

Kurt Jetta,

Binky-Griptight, Inc.

The Consumer Product Safety Commission.

Alan H. Schoem,

Assistant Executive Director, Office of Compliance.

Eric L. Stone, Director,

Division of Administrative Litigation, Office of Compliance.

Dated: January 21, 1998.

Traci J. Williams, Trial Attorney,

Division of Administrative Litigation, Office of Compliance.

Order

Having considered the terms and conditions of the Settlement Agreement entered into between Respondent, Binky-Griptight, Inc., a corporation, and the staff of the Consumer Product Safety Commission, having recognized the Commission's jurisdiction over the subject matter and Binky-Griptight, Inc., and having concluded that the Settlement Agreement and Order are in the public interest, it is *ordered* that the Settlement Agreement be and hereby is accepted. And it is *further ordered* that Binky-Griptight, Inc. shall pay the Commission a civil penalty in the amount of one hundred and fifty thousand and 00/100 dollars (\$150,000.00), payable as follows: \$50,000 twenty days after final acceptance of the Order, \$50,000 on the one-year anniversary date of the final acceptance of the Order, and \$50,000 on the two-year anniversary date of the final acceptance of the Order.

Upon Failing to make a payment or upon making a late payment, the outstanding balance of the civil penalty is due and payable by Binky-Griptight, Inc., and the 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 12th day of February, 1998.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 98-4088 Filed 2-18-98; 8:45 am]

BILLING CODE 6355-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 98-C0006]

In the Matter of The Limited, Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of a Settlement Agreement under the Flammable Fabrics Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Flammable Fabrics 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 The Limited, 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 March 6, 1998.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 98-C0006, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Howard Tarnoff, 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: February 11, 1998.

Sadye E. Dunn,

Secretary.

In the Matter of The Limited, Inc., a Corporation; Settlement Agreement

1. The Limited, Inc. and its subsidiary and/or affiliated companies (hereinafter, "The Limited" or "Respondent") 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. This Agreement and Order are for the sole purpose of settling allegations of the staff that respondent knowingly sold or offered for sale, in commerce, certain sherpa fleece tops and pants, certain cropped-look sweaters, certain pullover chenille sweaters, and certain peloush sweaters that failed to comply with the Standard for the Flammability of Clothing Textiles (hereinafter, "Clothing Standard"), 16 CFR 1610.

I. The Parties

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

3. Respondent The Limited is a corporation organized and existing under the laws of the State of Delaware with principal corporate offices at Three Limited Parkway, P.O. Box 16000, Columbus, OH 43216.

II. Allegations of the Staff

A. Sherpa Fleece Tops and Pants

4. Between June 1994 and December 1994, Respondent sold or offered for sale, in commerce, 409 style 1760 sherpa fleece tops, 394 style 1762 sherpa fleece tops, and 370 style 1018 sherpa fleece pants.

5. The garments identified in paragraph 4 above are subject to the Clothing Standard, 16 CFR 1610, issued under section 4 of the Flammable Fabrics Act (FFA), 15 U.S.C. 1193.

6. On December 9, 1994 and December 19, 1994, Respondent tested the garments identified in paragraph 4 above for compliance with the requirements of the Clothing Standard. On January 4, 1995, the staff tested the garments identified in paragraph 4 above for compliance with the requirements of the Clothing Standard. See 16 CFR §§ 1610.3 and 1610.4. The test results showed that the garments violated the requirements of the Clothing Standard and, therefore, were dangerously flammable and unsuitable for clothing because of rapid and intense burning.

7. Respondent knowingly sold or offered for sale, in commerce, the garments identified in paragraph 4 above, 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. Cropped-look Sweaters

8. Between December 1994 and March 1995, Respondent sold or offered for sale, in commerce, 3 rayon/nylon blend cropped-look sweaters.

9. The sweaters identified in paragraph 8 above are subject to the Clothing Standard, 16 CFR § 1610, issued under section 4 of the FFA, 15 U.S.C. 1193.

10. On December 11, 1995, the importer of the sweaters identified in paragraph 8 tested the sweaters for compliance with the requirements of the Clothing Standard. The test results showed that the sweaters violated the requirements of the Clothing Standard, and, therefore, were dangerously flammable and unsuitable for clothing because of rapid and intense burning.

11. Respondent knowingly sold or offered for sale, in commerce, the sweaters identified in paragraph 8 above, 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. Pullover Chenille Sweaters

12. In May 1996, Respondent imported 19,024 style 0124 rayon/nylon blend pullover chenille sweaters.

13. Between October 14, 1996 and October 24, 1996, Respondent sold or offered for sale, in commerce, the sweaters identified in paragraph 12 above.

14. The sweaters identified in paragraph 12 above are subject to the Clothing Standard, 16 CFR § 1610, issued under section 4 of the FFA, 15 U.S.C. 1193.

15. On October 23, 1996, the staff tested the sweaters identified in paragraph 12 above for compliance with the requirements of the Clothing Standard. The test results showed that the sweaters violated the requirements of the Clothing Standard, and, therefore, were dangerously flammable and unsuitable for clothing because of rapid and intense burning.

16. On November 4, 1996, the staff informed Respondent that the sweaters identified in paragraph 12 above failed to comply with the Clothing Standard and requested that The Limited review the rest of its product line for other potential violations.

17. Respondent knowingly imported, sold, or offered for sale, in commerce, the sweaters identified in paragraph 12 above, 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).

D. Peloush Sweaters

18. In March 1996, Respondent imported 7,000 style 4431 rayon/nylon blend peloush sweaters.

19. Between March 1996 and November 1996, Respondent sold or offered for sale, in commerce, the sweaters identified in paragraph 18 above.

20. The sweaters identified in paragraph 18 above are subject to the Clothing Standard, CFR § 1610, issued under section 4 of the FFA, 15 U.S.C. 1193.

21. On November 8, 1996 and November 11, 1996, Respondent tested the sweaters identified in paragraph 18 above for compliance with the requirements of the Clothing Standard. The test results showed that the sweaters violated the requirements of the Clothing Standard, and, therefore, were dangerously flammable and unsuitable for clothing because of rapid and intense burning.

22. Respondent knowingly sold or offered for sale, in commerce, the sweaters identified in paragraph 18 above, 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 The Limited

23. The Limited denies the allegations of the staff set forth in paragraphs 4 through 22 above that it knowingly sold or offered for sale, in commerce, the garments identified in paragraph 4, 8, 12, and 18 above, in violation of section 3 of the FFA, 15 U.S.C. 1192. When these allegations became known to The Limited it promptly removed the garments from its inventory, even in instances where the flammability test results were acceptable or inconclusive.

IV. Agreement of the Parties

24. The Commission has jurisdiction over this matter under the Consumer Product Safety Act (CPSA), 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.*

25. 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 or the Clothing Standard. This Agreement becomes effective only upon its final acceptance by the Commission and service of the incorporated Order upon Respondent.

26. The parties agree that this Agreement resolves the allegations of the staff enumerated in Section II above, and the Commission will not initiate any other criminal, civil, or administrative action against Respondent or Respondent's officers or directors for those alleged violations, based upon information currently known to the staff.

27. Upon final acceptance of this Agreement by the Commission and issuance of the Order, Respondent 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 Respondent failed to comply with the FFA as alleged, (4) to a statement of findings of fact and conclusions of law, and (5) to any claims under the Equal Access to Justice Act.

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

29. Upon provisional acceptance of this Agreement and Order by the Commission, this 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 this Agreement and Order within 15 days, this Agreement and Order shall be deemed finally accepted on the 20th day after the date it is published in the **Federal Register**, in accordance with 16 CFR 1605.13(e).

30. Upon final acceptance by the Commission of this Agreement and Order, the Commission shall issue the attached Order, incorporated herein by reference. This Agreement becomes effective after service of the incorporated Order upon Respondent.

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

32. This Agreement may be used in interpreting the incorporated Order, Agreements, understanding, representations, or interpretations made outside of this Agreement may not be used to vary or contradict its terms.

33. The provisions of this Agreement and Order shall apply to Respondent, its successors as assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other business entity, or through any agency, device or instrumentality.

Dated: January 15, 1998.

Philip S. Renaud, II,
Vice President of Insurance, The Limited, Inc.
Three Limited Parkway, Columbus, OH
43230.

Dated: January 20, 1998.

Howard N. Tarnoff,
Trial Attorney, Division of Administrative
Litigation, Office of Compliance.
Eric L. Stone,
Director, Division of Administrative
Litigation, Office of Compliance.
Alan H. Schoem,
Assistant Executive Director, Office of
Compliance U.S. Consumer Product Safety
Commission, Washington, DC 20207.

In the Matter of The Limited, Inc. a
Corporation; Order

Upon consideration of the Settlement Agreement entered into between Respondent The Limited, Inc., and its subsidiary and/or affiliated companies, and the staff of the Consumer Product Safety 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.

I

It is ordered That the Settlement Agreement and Order be and hereby is accepted.

II

It is further ordered That Respondent pay to the United States Treasury a civil penalty of two hundred thousand dollars (\$200,000) within twenty (20) days after service upon Respondent of the Final Order.

Provisionally accepted and Provisional Order issued on the 11th day of February, 1998.

By Order of the Commission.

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

[FR Doc. 98-4087 Filed 2-18-98; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704-0253]

Information Collection Requirements; Subcontracting Policies and Procedures

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork

Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. This information collection requirement is currently approved by the Office of Management and Budget (OMB) for use through July 31, 1998, under OMB Control Number 0704-0253. DoD proposes that OMB extend its approval for use through July 31, 2001.

DATES: Consideration will be given to all comments received by April 20, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Defense Acquisition Regulations Council, Attn: Mr. R.G. Layser, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301-3062. Telefax number (703) 602-0350. E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil. Please cite OMB Control Number 0704-0253 in all correspondence related to this issue. E-mail comments should cite OMB Control Number 0704-0253 in the subject line.

FOR FURTHER INFORMATION CONTACT: Rick Layser, (703) 602-0131. A copy of the information collection requirement is available electronically via the Internet at: <http://www.dtic.mil/dfars/>. Paper copies of the information collection requirement may be obtained from Mr. R.G. Layser, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301-3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Forms, And Associated OMB Control Number: Defense Federal Acquisition Regulation Supplement (DFARS); OMB Control Number 0704-0253, Subcontracting Policies and Procedures—DFARS Part 244.

Needs and uses: The collection of this information is considered by the administrative contracting officer before making a decision on granting, withholding, or withdrawing