

in recent years mixed schools of giant and large medium bluefin tuna have been prevalent, particularly early in the season, which is the time period proposed for the experiment. In the event that such conditions persist in 2004, the applicants believe that the experiment could potentially result in greater mortality to smaller fish necessitating relief from the tolerance level for the remainder of the season.

The regulations that would prohibit the proposed activities include requirements to use authorized gear (50 CFR 635.21); prohibition of BFT transfer at sea (50 CFR 635.29); vessel fishing permits (50 CFR 635.4); and prohibition of approaching within 100 feet of a purse seine vessel while gear is deployed (50 CFR 635.71). In addition, certain reporting requirements may be adjusted to allow for the delayed landing of purse seine harvested fish.

NMFS invites comments from interested parties on potential concerns should these EFPs be issued.

**Authority:** 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: June 24, 2004.

**Alan D. Risenhoover,**

*Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 04-14843 Filed 6-25-04; 2:58 pm]

**BILLING CODE 3510-22-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Amendment of Scope of Import Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in Belarus

June 24, 2004.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner, Bureau of Customs and Border Protection, amending the scope of the import limit for Category 622-N.

**EFFECTIVE DATE:** July 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection Web site at <http://www.cbp.gov>. For information on embargoes and quota re-openings, refer

to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

On January 10, 2003, the Governments of the United States and Belarus entered into a Memorandum of Understanding, which called for a sublimit on Category 622-N. As the United States and Belarus were not able to reach agreement on the terms of this sublimit, on March 5, 2004 the Chairman of CITA directed Customs and Border Protection to impose a sublimit on Category 622-N pending agreement with the Government of Belarus on its terms, noting that this sublimit might be revised if the Governments of the United States and Belarus reached agreement on the terms of the sublimit.

In a Memorandum of Understanding dated May 13, 2004, the Governments of the United States and Belarus agreed to the terms of the sublimit for Category 622-N. Effective on July 1, 2004, the interagency Committee for the Statistical Annotation of the Tariff Schedule amended the Harmonized Tariff Schedule of the United States (HTSUS) with respect to the statistical subheadings covered by Category 622-N.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs and Border Protection to amend the HTSUS subheadings covered by Category 622-N to implement the May 13, 2004 Memorandum of Understanding.

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 69 FR 4926, published on February 2, 2004). See also 69 FR 10429, published on March 5, 2004.

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

#### Committee for the Implementation of Textile Agreements

June 24, 2004.

Commissioner,  
*Bureau of Customs and Border Protection,*  
*Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 1, 2004, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain man-made fiber textile products in Category 622-N, produced or manufactured in Belarus and exported

during the period which began on January 1, 2004 and extends through December 31, 2004.

To implement and monitor provisions of the Memorandum of Understanding (MOU) reached with the Government of Belarus dated May 13, 2004, you are directed, effective on July 1, 2004, to amend the restriction on Category 622-N set forth in the above-referenced directive by amending the Harmonized Tariff Schedule of the United States (HTSUS) numbers subject to Category 622-N as follows:

#### HTSUS Change

##### Category 622-N

7019.52.40.20 becomes 7019.52.40.21

7019.52.90.20 becomes 7019.52.90.21

7019.59.40.20 becomes 7019.59.40.21

7019.59.90.20 becomes 7019.59.90.21

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,  
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 04-14774 Filed 6-29-04; 8:45 am]

**BILLING CODE 3510-DR-S**

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 04-C0004]

### GROUPE SEB USA f/k/a Krups North America, 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 Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20. Published below is a provisionally-accepted Settlement Agreement with GROUPE SEB USA f/k/a Krups North America, Inc., containing a civil penalty of \$500,000.

**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 July 15, 2004.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 04-C0004, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:**

Belinda V. Bell, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7592.

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

Dated: June 23, 2004.

**Todd A. Stevenson,**  
Secretary.

**Settlement Agreement and Order**

1. This Settlement Agreement, made by and between the staff ("the staff") of the U.S. Consumer Product Safety Commission (the "Commission") and Groupe SEB USA, formerly known as Krups North America, Inc., ("Krups" or "Respondent"), a corporation, in accordance with 16 CFR 118.20 of the Commission's procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act ("CPSA"), is a settlement of the staff allegations set forth below.

**The Parties**

2. The Commission is an independent Federal regulatory agency responsible for the enforcement of the Consumer Product Safety Act, 15 U.S.C. 2051-2084.

3. From 1976 to March 2002, Krups North America, Inc. ("Krups") was a wholly owned subsidiary of Moulinex SA, a European corporation. Krups was an entity organized and existing under the laws of the State of Delaware, with its principal office located at 7 Reuten Drive, Cloister, New Jersey. In September 2001, Moulinex filed bankruptcy. During the bankruptcy proceedings certain assets, including Krups North America, were purchased by Groupe SEB, another European corporation. Up until December 2003, Krups maintained its operations in New Jersey. On December 15, 2003, it changed its corporate name to Groupe SEB USA and moved to 196 Boston Avenue, Medford, Massachusetts. Groupe SEB USA continues to sell Krups brand products.

**Staff Allegations**

4. Section 15(b) of the CPSA, 15 U.S.C. 2064(b), requires a manufacturer of a consumer product distributed in commerce, *inter alia* who obtains information that reasonably supports the conclusion that the product contains a defect which could create a substantial product hazard or creates an unreasonable risk of serious injury or death, to immediately inform the Commission of the defect or risk.

5. Between 1996 and 2000, Krups manufactured and distributed nationwide approximately 218,000 electric drip coffeemakers, sold under the Krups brand name, model numbers 398 and 405 (the "coffeemakers" or the "product(s)").

6. The coffee makers are "consumer products" and Krups is a "manufacturer" of "consumer products", which were "distributed in commerce" as those terms are defined in sections 3(a)(1)(4), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(1), (4), (11), and (12).

7. The coffeemakers are defective because loose electrical components can overheat and ignite the adjacent plastic filer carriage, creating a risk of fire, serious injury and death.

8. Between July 1997 and June 2001, Krups received approximately 48 reports of the coffeemakers' electrical components overheating and igniting, causing incidents of smoking, melting or fires. Some of the fires caused extensive property damage.

9. Not until May 2001, after receiving notice that a consumer's home was destroyed as a result of a defective Krups coffeemaker, did Respondent submit an initial report to the Commission reporting the defective coffeemakers.

10. Although Krups had obtained sufficient information to reasonably support the conclusion that these coffeemakers contained defects which could create a substantial product hazard, or created an unreasonable risk of serious injury or death long before May 2001, it failed to timely report such information to the Commission as required by section 15(b) of the CPSA.

11. Respondent's failure to report to the Commission, as required by section 15(b) of the CPSA, was committed "knowingly", as that term is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d), and Krups is subject to civil penalties under section 20 of the CPSA.

**Response of Krups**

12. Respondent denies the staff allegations in paragraphs 4 through 11, above. Respondent denies that it violated the CPSA.

13. At the time of the alleged notices of incidents and failure to report, Krups had no engineers on its staff and relied on its parent, Moulinex, for technical analysis and advice concerning the causes and consequences of the coffeemaker incidents. Moulinex advised Krups that the coffeemakers presented no danger of fire outside the coffeemaker.

14. Krups reasonably relied on the advice from Moulinex in concluding

that a section 15(b) report was not required until agents of Krups investigated a fire involving one of the coffeemakers. Based on the advice of these agents, Krups decided that the problems with the coffeemakers should be reported.

15. Although the current parent, Groupe SEB, was not involved in any of the decisions that led to the alleged reporting violation, it has agreed to enter into this Settlement Agreement to resolve these issues.

**Agreement of the Parties**

16. The Consumer Product Safety Commission has jurisdiction over Respondent and the subject matter of this Settlement Agreement and Order under the CPSA, 15 U.S.C. 2051 *et seq.*

17. Respondent agrees to pay a civil penalty in the amount of five hundred thousand and no/dollars (\$500,000.00), payable to the "U.S. Treasury" within twenty (20) calendar days of receiving service of the final Settlement Agreement and Order.

18. Respondent knowingly, voluntarily and completely waives any rights it may have in the above-captioned case (i) to the issuance of a Complaint in this matter; (ii) to a judicial hearing with respect to the staff allegations cited herein; (iii) to judicial review or other challenge or contest of the validity of the Settlement Agreement or the Commission's Order; (iv) to a determination as to whether a violation of section 15(b) of the CPSA, 15 U.S.C. 2064(b), has occurred, and (v) to a statement of findings of fact and conclusions of law with regard to the staff allegations; and (vi) to any claims under the Equal Access to Justice Act.

19. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed in the public record and shall be published in the **Federal Register** in accordance with 16 CFR 1118.20. If the Commission does not receive any written requests not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order shall be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

20. The Settlement Agreement and Order shall become effective upon its final acceptance by the Commission and service of the final Order upon Respondent.

21. Upon provisional acceptance by the Commission, the Commission may publicize the terms of the Settlement Agreement and Order.

22. Respondent agrees to the entry of the attached Order, which is incorporated herein by reference, and agrees to be bound by its terms.

23. If, after the effective date hereof, any provision of this Settlement Agreement and Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Settlement Agreement and Order, such provisions shall be fully severable. The rest of the Settlement Agreement and Order shall remain in full effect, unless the Commission and Respondent determine that severing the provision materially affects the purpose of the Settlement Agreement and Order.

24. This Settlement Agreement and Order shall not be waived, changed, amended, modified, or otherwise altered, except in writing executed by the party against whom such amendment, modification, alteration, or waiver is sought to be enforced and approved by the Commission.

25. This Settlement Agreement and Order is binding upon Respondent, its parent and each of its assigns or successors.

26. The Commission's Order in this matter is issued under the provisions of the CPSA, 15 U.S.C. 2051 *et seq.*, and a violation of this Order may subject Respondent to appropriate legal action.

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

Dated: May 19, 2004.

GROUP SEB USA

By: Paul Pofcher,  
*Executive Vice President.*

Michael A. Brown, Esquire,  
*Respondent's Attorney.*

The U.S. Consumer Product Safety  
Commission

Alan H. Schoem,  
*Director, Office of Compliance.*

Eric L. Stone,  
*Director, Legal Division, Office of Compliance.*

By Belinda V. Bell,  
*Trial Attorney, Legal Division, Office of Compliance.*

#### Order

Upon consideration of the Settlement Agreement between Groupe SEB USA, a corporation, and the staff of the Consumer Product Safety Commission, and the Commission having jurisdiction over the subject matter and over Groupe SEB, and it appearing that the

Settlement Agreement is in the public interest, it is

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

*Further Ordered* that Groupe SEB USA shall pay the United States Treasury a civil penalty in the amount of five hundred thousand and 00/100 dollars, (\$500,000.00), payable within twenty (20) days of the service of the Final Order upon Groupe SEB USA. Upon the failure by Groupe SEB to deliver any payment in full to the Commission in accordance with the terms of the subject Settlement Agreement and Order, interest on the outstanding balance shall accrue and be paid by Groupe SEB 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 18th day of June, 2004.

By Order of the Commission.

Todd A. Stevenson,  
*Secretary, Consumer Product Safety Commission.*

[FR Doc. 04-14681 Filed 6-29-04; 8:45 am]

**BILLING CODE 6355-01-M**

---

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Submission for OMB Review; Comment Request

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**DATES:** Consideration will be given to all comments received by July 30, 2004.

*Title, Forms, and OMB Number:*  
Department of Defense Security Agreement, Appendage to Department of Defense Security Agreement, Certificate Pertaining to Foreign Interests; DD Forms 441, 441-1 and SF Form 328; OMB Number 0704-0194.

*Type of Request:* Extension.  
*Number of Respondents:* 3,070.  
*Responses Per Respondent:* 2.  
*Annual Responses:* 6,140.  
*Average Burden Per Response:* 1.5 hours.

*Annual Burden Hours:* 9,108.  
*Needs and Uses:* Executive Order 12829, "National Industrial Security Program (NISP)," stipulates that the Secretary of Defense shall serve as the Executive Agent for inspecting and

monitoring contractors, licensees, and grantees, who require or will require access to or will store classified information; for determining the eligibility for access to classified information of contractors, licensees, and grantees and their respective employees. The specific requirements necessary to protect classified information released to private industry are set forth in DoD 5200.22M, "National Industrial Security Program Operating Manual (NISPO)." DD Form 441 is the initial contract between industry and the government. The DD Form 441-1 is used to extend the agreements to branch offices of the contractor. The SF Form 328 must be submitted to provide certification regarding elements of Foreign Ownership, Control or Influence (FOCI).

*Affected Public:* Business or Other For-Profit; Not-For-Profit Institutions; State, Local or Tribal Government.

*Frequency:* On Occasion.

*Respondents Obligation:* Required to Obtain or Retain Benefits.

*OMB Desk Officer:* Ms. Jacqueline Zeiher.

Written comments and recommendations on the proposed information collection should be sent to Ms. Zeiher at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

*DoD Clearance Officer:* Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/ESCD/ Information Management Division, 1225 South Clark Street, Suite 504, Arlington, VA 22202-4326.

Dated: June 24, 2004.

**L.M. Bynum,**

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

[FR Doc. 04-14728 Filed 6-29-04; 8:45 am]

**BILLING CODE 5001-06-M**

---

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Proposed Collection; Comment Request

**AGENCY:** National Defense University; National Security Education Program, DoD.

**ACTION:** Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Vice President, National Defense University, announces the proposed