

concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Qatar and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on August 18, 1995, you are directed to increase the limits for the following categories, as provided under the terms of the Memorandum of Understanding dated June 28, 1994 between the Governments of the United States and the State of Qatar:

Category	Adjusted twelve-month limit <sup>1</sup>
340/640 .....	382,395 dozen.
341/641 .....	176,490 dozen.
347/348 .....	398,988 dozen.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1994.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

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

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BILLING CODE 3510-DR-F

## CONSUMER PRODUCT SAFETY COMMISSION

### Announcement of Amnesty and Conditions Under Which the Staff Will Refrain From Making Preliminary Hazard Determinations

**AGENCY:** Consumer Product Safety Commission (CPSC).

**ACTION:** Notice.

**SUMMARY:** Section 15(b) of the Consumer Product Safety Act requires manufacturers, distributors, and retailers of consumer products distributed in commerce to notify the Commission of certain defects, unreasonable risks or non-compliance with voluntary or mandatory standards. Firms that fail to report are subject to civil penalties. The Commission is announcing a one time amnesty for firms who have failed to report in the past. The Commission is also announcing the staff will forego making a preliminary hazard determination when firms report and within 20 working days implement corrective action acceptable to the staff.

**DATES:** This action announces that the staff of the CPSC will not seek penalties under any of the rules or acts it

administers against firms who report under section 15(b) of the CPSA from August 17, 1995, to February 13, 1996, potential hazards the firm failed to report prior to the amnesty period. The staff will meet with interested members of the public September 12, 1995 at 10 a.m. to discuss this initiative and a second initiative announced in this notice.

#### FOR FURTHER INFORMATION CONTACT:

Theresa Rogers, Office of Compliance, CPSC, 4330 East West Highway, Bethesda, MD 20814 (Mailing address: Washington, D.C. 20207), telephone (301) 504-0608, extension 1363, or Eric L. Stone, Office of Compliance, CPSC, 4330 East West Highway, Bethesda, MD 20814 (Mailing address: Washington, D.C. 20207), telephone (301) 504-0626 extension 1350.

#### SUPPLEMENTARY INFORMATION:

##### A. Reporting Amnesty

Section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2064(b), requires manufacturers, distributors and retailers of a consumer product distributed in commerce to notify the Commission when they obtain information which reasonably supports the conclusion that their product (1) fails to comply with an applicable consumer product safety rule or voluntary standard relied upon by the Commission under section 9, (2) contains a defect which could create a substantial risk of injury, or (3) creates an unreasonable risk of serious injury or death. The Commission published a rule interpreting this provision at 16 CFR Part 1115. Firms that knowingly fail to report are subject to civil penalties under sections 19(a)(4) and 20(a)(1) of the CPSA, 15 U.S.C. 2068(a)(4) and 2069(a)(1). Similar penalties exist for failures to report under section 37 of the CPSA, 15 U.S.C. 2084, and section 102 of the Child Safety Protection Act, Public Law 103-267, 108 Stat. 722 (1994), and for violations of various safety rules in Title 16 of the Code of Federal Regulations.

For years, the Commission has been concerned that many firms are not complying with their reporting obligations under section 15(b) of the CPSA. Despite the efforts of CPSC and various industry and legal groups to publicize the requirements, some of this failure is undoubtedly due to ignorance of the law. Many other factors also play a role. Once a firm has failed to report it finds itself in a quandary. A late report subjects the firm to civil penalties and the stigma associated with failure to comply with the reporting obligation in the first instance. Fear of such penalties

could cause some firms to hide their problems.

To address this fear, the Commission is announcing a one-time amnesty program. The staff will not seek penalties under any of the rules or acts it administers against firms who report under section 15(b) of the CPSA from August 17, 1995, to February 13, 1996, potential hazards the firm failed to report prior to the amnesty period. The amnesty will not be available for any product reported prior to the date of this **Federal Register** notice, nor will it apply to firms who are currently under investigation for a failure to report or other violation of the Commission's laws. Firms will not receive amnesty for failures to report based on reporting obligations that arise between August 17, 1995, and February 13, 1996.

This amnesty is intended to encourage firms to "clean out their closets" of matters that should have been reported in the past. While firms may report such matters without fear of penalty, the staff will still seek corrective action when such action is needed to protect the public from a possible substantial product hazard.

##### B. Staff to Forego Preliminary Determinations When Firms Initiate Timely Corrective Action

In the past, the Commission staff has made a preliminary hazard determination as to whether a product presents a substantial product hazard (section 15 of the Consumer Product Safety Act, 15 U.S.C. 2064), or contains a defect which creates a substantial risk of injury to children (section 15 of the Federal Hazardous Substances Act, 15 U.S.C. 1274), whenever it receives a report under section 15(b) of the CPSA. See 16 CFR 1115.12(a). Some firms have expressed concern that the preliminary determination, although not a formal hazard determination of the agency, could have a negative impact in their product liability cases or on their reputation. From August 17, 1995, until February 13, 1996, on a pilot basis, the staff will forego such preliminary determinations for firms that report in a timely and complete manner and implement within 20 working days after filing an initial report a corrective action the staff believes will be effective. For purposes of this pilot program, "implement" means issuance of a news release or other form of public notice approved by the staff commencing the corrective action.

This pilot project does not modify firms' reporting obligations. Firms who have an obligation to notify the Commission under section 15(b) or section 37 of the CPSA, or section 102

of the Child Safety Protection Act, must continue to do so even when they believe the risk does not warrant corrective action.

At the end of the pilot period, the Commission will evaluate the effectiveness of this initiative and determine whether it should be extended.

The staff will only forego preliminary determinations for a firm that:

a. Files a Full Report (See 16 CFR 1115.13(d)). Currently, many firms do not submit complete information. Firms sometimes omit copies of complaints and claims. This information is crucial for the staff to properly evaluate the problem and the firm's corrective action. The staff will not allow firms that do not report fully to participate in this pilot program.

b. Advises the staff it wishes to undertake an expeditious corrective action under the pilot program.

c. Submits a proposed corrective action plan in sufficient time for the staff to review the plan, analyze any replacement product or repair, and work out the details of the corrective action with the firm so that the plan can be implemented within 20 working days after the filing of the report. The plan shall include the following:

(1) A description of the action to be taken (refund, repair, or replacement) that will eliminate the identified risk.

(2) Sufficient product design, incident, and testing information to allow the staff to determine whether the proposed action corrects the identified problem and the problem is limited to the model[s] and production dates identified by the firm. Such information should include, but is not limited to: consumer complaints, test data, engineering drawings, material specifications, samples of product, and/or component parts, as needed. If the needed information and documentation is being compiled, but is not yet available, the firm must provide the date it expects to forward the information to CPSC. CPSC staff must have sufficient time to review the information and meet the 20 working day time limit.

(3) Usually, the firm's proposed plan must include notice to distributors, retailers, and consumers of the subject product. The notice must describe the product, the hazard, the number and type of injuries that have been reported, the type of injury that may occur, and the action to be taken in plain language understandable to the people to whom the notice is directed. Generally, the plan must include a joint news release with the Commission, letters and instructions to retailers and distributors, point-of-purchase posters, and,

depending upon the level of risk, the population at risk, age and number of products involved, there should be an additional notice. Supplementary notice may include a Video News Release, print and/or radio advertisements, incentives or bounties to encourage consumer response, posters for specific audiences, such as for posting in pediatricians' offices, medical clinics, national parks and campgrounds, and repair shops (see Corrective Action Handbook, available from CPSC Division of Corrective Actions). In those cases where all purchasers can be contacted directly, a news release may not be necessary.

(4) An agreement that the Commission may publicize the terms of the plan and inform the public of the nature and the extent of the alleged hazard. The consumer notice should be targeted to reach a significant portion of the public likely to have purchased the subject product. (See 16 CFR 1115.20(a) and CPSC Corrective Action Handbook.)

(5) The corrective action plan and notice must be acceptable to the staff. The staff will consider whether the corrective action plan adequately addresses the risk of injury presented by the product and whether the notice and corrective action plan are designed to make the plan as effective as is reasonably possible given the nature of the product and the risk. The Office of Compliance staff will provide expedited review of each proposal submitted and work with the firm to develop an acceptable corrective action plan that can be implemented within the 20 working day period. The staff anticipates there may be cases where a firm has submitted all the necessary information in a timely manner but cannot implement the corrective action plan within the 20 day period because the staff requires additional time to evaluate a proposed corrective action plan and this delay did not result from delay or fault on the part of the firm. It is also possible that in some cases the staff and firm will agree that notice and corrective action should occur at a later time (such as in the case of a seasonal product). In both those cases where delay is neither caused by, nor is the fault of, the firm, the staff will not make a preliminary hazard determination.

If corrective action is implemented within the specified 20 working days, staff will provide written acknowledgement that the firm has submitted information under section 15(b); that, based on available information, the proposed corrective action plan is adequate; and that the staff will monitor the progress of the plan. The staff will advise the firm that

the firm has a continuing obligation to report new or different information that may affect the scope, prevalence or seriousness of the defect or hazard.

If the firm does not implement a corrective action acceptable to the staff within the specified 20-day time limit, staff will inform the firm that it will continue its evaluation and will preliminarily determine whether the product contains a defect that creates a substantial risk of injury to children under the FHSA or presents a substantial product hazard under the CPSA.

Firms should not delay their reports under section 15(b) of the CPSA in order to prepare a corrective action plan. The staff will not forego preliminary determinations if the information available suggests a firm delayed its initial report to prepare a corrective action plan.

### C. Meeting

The staff will meet with interested members of the public at 10 a.m. on September 12, 1995 to discuss these initiatives. The meeting will be held in the Commission's hearing room on the fourth floor of 4330 East-West Highway, Bethesda, Maryland.

Dated: August 7, 1995.

**Sadye Dunn,**

*Secretary, Consumer Product Safety Commission.*

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## DEPARTMENT OF DEFENSE

### Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**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).

*Title:* Epidemiologic Studies of Morbidity Among Gulf War Veterans; A Search for Etiologic Agents and Risk Factors.

*Type of Request:* Expedited Processing—Approval date requested: Thirty days following publication in the **Federal Register**.

*Number of Respondents:* 2,500.

*Responses per Respondent:* 1.6.

*Annual Responses:* 4,000.

*Average Burden per Response:* 30 minutes.

*Annual Burden Hours:* 1,900.