

implementation of certain of their provisions.

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

Committee for the Implementation of Textile Agreements  
November 9, 1995.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing (ATC) and the Memorandum of Understanding dated July 19, 1995 between the Governments of the United States and the Republic of Turkey; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1996, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Turkey and exported during the twelve-month period beginning on January 1, 1996 and extending through December 31, 1996, in excess of the following limits:

Category	Twelve-month restraint limit
Fabric Group 219, 313, 314, 315, 317, 326, 617, 625/626/627/628/629, as a group.	151,245,814 square meters of which not more than 34,562,752 square meters shall be in 219; 42,243,363 square meters shall be in 313; 24,577,957 square meters shall be in 314; 33,026,631 square meters shall be in 315; 34,562,752 square meters shall be in 317; 3,840,305 square meters shall be in 326; 23,041,836 square meters shall be in 617.
Sublevel in Fabric Group 625/626/627/628/629.	15,559,001 square meters of which not more than 6,223,600 square meters shall be in 625; 6,223,600 square meters shall be in 626; 6,223,600 square meters shall be in 627; 6,223,600 square meters shall be in 628; and 6,223,600 square meters shall be in 629.
Limits not in group 200 ..... 300/301 .....	1,458,336 kilograms. 7,100,535 kilograms.

Category	Twelve-month restraint limit
335 .....	306,579 dozen.
336/636 .....	722,164 dozen.
338/339/638/639 .....	4,244,264 dozen of which not more than 3,183,198 dozen shall be in Categories 338-S/339-S/638-S/639-S <sup>1</sup> .
340/640 .....	1,416,425 dozen of which not more than 402,850 dozen shall be in shirts made from fabric of two or more colors in the warp and/or the filling in Categories 340-Y/640-Y <sup>2</sup> .
341/641 .....	1,398,786 dozen of which not more than 489,575 dozen shall be in blouses made from fabric of two or more colors in the warp and/or the filling in Categories 341-Y/641-Y <sup>3</sup> .
342/642 .....	803,919 dozen.
347/348 .....	4,373,865 dozen of which not more than 1,521,420 dozen shall be in trousers in Categories 347-T/348-T <sup>4</sup> .
350 .....	430,368 dozen.
351/651 .....	688,085 dozen.
352/652 .....	2,332,000 dozen.
361 .....	1,532,897 numbers.
369-S <sup>5</sup> .....	1,584,724 kilograms.
410/624 .....	1,075,430 square meters of which not more than 695,866 square meters shall be in Category 410.
448 .....	36,902 dozen.
604 .....	1,829,236 kilograms.
611 .....	45,761,766 square meters.

<sup>1</sup>Category 338-S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339-S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020; Category 638-S: all HTS numbers except 6109.90.1007, 6109.90.1009, 6109.90.1013 and 6109.90.1025; Category 639-S: all HTS numbers except 6109.90.1050, 6109.90.1060, 6109.90.1065 and 6109.90.1070.

<sup>2</sup>Category 340-Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640-Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

<sup>3</sup>Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054; Category 641-Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

<sup>4</sup>Category 347-T: only HTS numbers 6103.19.2015, 6103.19.9020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.8010, 6112.11.0050, 6113.00.9038, 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348-T: only HTS numbers 6104.12.0030, 6104.19.8030, 6104.22.0040, 6104.29.2034, 6104.62.2010, 6104.62.2025, 6104.69.8022, 6112.11.0060, 6113.00.9042, 6117.90.9060, 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

<sup>5</sup>Category 369-S: only HTS number 6307.10.2005.

Imports charged to these category limits for the periods January 1, 1995 through December 31, 1995 and March 28, 1995 through December 31, 1995 (Categories 352/652) shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for those periods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustments in the future pursuant to the Uruguay Round Agreements Act, the ATC and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall 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. 95-28356 Filed 11-15-95; 8:45 am]

BILLING CODE 3510-DR-F

**CONSUMER PRODUCT SAFETY COMMISSION**

[CPSC Docket No. 96-C0001]

**J.B.I., 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 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 1118.20(e)-(h). Published below is a provisionally-

accepted Settlement Agreement with J.B.I., Inc., a corporation.

**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 December 1, 1995.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 96-C0001, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

**FOR FURTHER INFORMATION CONTACT:** Ronald G. Yelenik, 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 8, 1995.

Sadye E. Dunn,  
Secretary.

#### Settlement Agreement and Order

1. J.B.I., Inc. ("J.B.I." or "Respondent") enters into this Settlement Agreement and Order with the staff of the Consumer Product Safety Commission pursuant to the procedures set forth in section 1118.20 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act ("CPSA"), 16 CFR 1118.20.

#### The Parties

2. The "Staff" is the staff of the Consumer Product Safety Commission ("the Commission" or "CPSC"), an independent regulatory agency of the United States government responsible for the enforcement of the CPSA, 15 U.S.C. 2051 *et seq.*

3. Respondent J.B.I. is a corporation organized and existing under the laws of the state of California with its principal corporate offices located in Long Beach, California.

#### Staff Allegations

The Staff contends, as set forth in paragraphs 4 through 9, that:

4. Between 1982 and 1987, J.B.I. manufactured approximately 1,200 units of Tug-N-Turn playground equipment exclusively for and together with a fast food restaurant operator. The Tug-N-Turns were installed at the fast food restaurants nationwide. J.B.I. is a "manufacturer" of the Tug-N-Turns as that term is defined in section 3(a)(4) of the CPSA, 15 U.S.C. 2052(a)(4).

5. The Tug-N-Turn is a ride designed and intended for use by children. A

child can spin the ride by turning the steering wheel, or an individual can cause the ride to spin by pushing it from the outside. The Tug-N-Turn is a "consumer product" which was "distributed in commerce" as those terms are defined in sections 3(a)(1) and (11) of the CPSA, 15 U.S.C. 2052(a)(1) and (11).

6. The Tug-N-Turn created an unreasonable risk of serious injury or contained a defect which could create a substantial product hazard in that hardware protruded from the stationary center column of the unit, creating the possibility that children's shoe laces or pants cuffs could become entangled, causing serious injury. In cooperation with the CPSA staff investigation, J.B.I. voluntarily produced information showing that it became aware of approximately 70 reports of injuries between 1982 and 1991 involving the Tug-N-Turn, at least 40 of which allegedly were fractured legs or ankles.

7. On or about November 24, 1982, J.B.I. first became aware of an injury involving a Tug-N-Turn.

8. Both prior to and during the period in which J.B.I. received notice of injuries involving Tug-N-Turns, J.B.I. voluntarily attempted, without success, to remedy the protruding hardware problem.

9. Although J.B.I. obtained sufficient information to reasonably support the conclusion that the Tug-N-Turns, described in paragraphs five and six above, contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury, it failed to report such information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b). This is a knowing violation of section 15(b) of the CPSA, is a violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), and subjects Respondents to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069.

#### Response of J.B.I.

J.B.I. contends, as set forth in paragraphs 10 through 14, that:

10. The Tug-N-Turn does not contain a defect which creates or which could create a substantial product hazard or create an unreasonable risk of serious injury within the meaning of section 15 of the CPSA, 15 U.S.C. 2064.

11. The leg and ankle injuries reported to J.B.I. were sustained on Tug-N-Turns that were improperly installed or maintained, and where original hardware was substituted. As a result of improper installation or maintenance, children's clothing became entangled on hardware that protruded from the center column.

12. J.B.I. is unaware of any instance where a child was injured on a properly installed and maintained Tug-N-Turn unit as a result of clothing becoming entangled on hardware. A Tug-N-Turn that is properly installed and maintained neither creates a substantial product hazard nor an unreasonable risk of serious injury.

13. Between 1982 and 1991, J.B.I. voluntarily took significant actions to ensure proper installation of the Tug-N-Turn units, including the dissemination of Safety Notices, Warning Labels, and ultimately a Removal/Retrofit program.

14. Prior to receiving a letter from the CPSC in January 1992, J.B.I. was unaware of the reporting provisions of the CPSA. J.B.I. never "knowingly" failed to report to the Commission under section 15(b) of the CPSA, 15 U.S.C. § 2064(b), with respect to these Tug-N-Turn units.

#### Agreement of the Parties

15. The Commission has jurisdiction over this matter under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051 *et seq.*

16. This Settlement Agreement and Order becomes effective only upon its final acceptance by the Commission and service of the incorporated Order upon Respondent.

17. J.B.I. waives any rights it may have (1) to an administrative or judicial hearing with respect to the Commission's claim for a civil penalty, (2) to judicial review or other challenge or contest of the validity of the Commission's action with regard to its claim for a civil penalty, (3) to a determination by the Commission as to whether a violation of Section 15(b) of the CPSA, 15 U.S.C. 2064(b), has occurred, (4) to a statement of findings of fact and conclusions of law with regard to the Commission's claim for a civil penalty, and (5) to any claims under the Equal Access to Justice Act, 28 U.S.C. 2412.

18. 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, as stated herein.

19. No agreement, understanding, representation, or interpretation not contained in this Settlement Agreement and Order may be used to vary or to contradict its terms.

20. The provisions of this Settlement Agreement and Order shall apply to J.B.I. and its successors and assigns.

21. J.B.I. shall inform the Commission if it learns of any additional Tug-N-Turn incidents not previously reported to the Commission or information indicating

that any Tug-N-Turns in use are still capable of turning.

22. J.B.I. shall not contest a United States government subpoena for J.B.I. representatives to testify at a trial related to the Tug-N-Turn in any court in the United States. The government will provide fees and allowances to any subpoenaed witness in accordance with 28 U.S.C. 1821.

23. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, the Commission shall place this Agreement and Order on the public record and publish it in the Federal Register in accordance with the procedures set forth in 16 CFR 1118.20(e)-(h). If the Commission does not to accept the Settlement Agreement and Order within 15 days of such publication, the Agreement and Order shall be deemed finally accepted and the Final Order shall issue on the 16th day.

24. Upon final acceptance of this Settlement Agreement and Order, the Commission shall issue the attached Order.

25. A violation of the Order shall subject the parties to appropriate legal action.

J.B.I. Inc.

Jay Buchbinder,

*President, J.B.I., Inc.*

The Consumer Product Safety Commission

Eric A. Rubel,

*General Counsel.*

David Schmeltzer,

*Associate Executive Director, Office of Compliance and Enforcement.*

Eric L. Stone,

*Acting Director, Division of Administrative Litigation, Office of Compliance and Enforcement.*

Dated: February 1, 1995.

Ronald G. Yelenik,

*Trial Attorney, Division of Administrative Litigation, Office of Compliance and Enforcement.*

Dated: February 1, 1995.

Jayne Rizzolo Epstein,

*Attorney, Office of General Counsel.*

Order

Upon consideration of the Settlement Agreement between the staff and Respondent, and it appearing the Settlement Agreement is in the public interest, it is

*Ordered*, that the Settlement Agreement be and hereby is accepted, as indicated below; and it is

*Further ordered*, that Respondent upon final acceptance of the Settlement Agreement, shall pay to the U.S. Treasury a civil penalty in the amount of two hundred twenty five thousand

dollars (\$225,000), within twenty (20) days after service of this Final Order.

Provisionally accepted and Provisional Order issued on the 8th day of November, 1995.

By Order of the Commission.

Sadye E. Dunn,

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 95-28347 Filed 11-15-95; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### **Notice of Intent To Prepare an Environmental Impact Statement for Construction and Operational Changes Associated With Realignment of F/A-18 Aircraft to Naval Air Station Oceana, Virginia Beach, VA From Naval Air Station, Cecil Field, FL**

Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500-1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the potential environmental consequences of the realignment of F/A-18 aircraft and their associated personnel to Naval Air Station (NAS) Oceana, located in Virginia Beach, Virginia. This action is being conducted in accordance with the Defense Base Closure and Realignment Act of 1990 (Pub. L. 101-510), as implemented during 1995.

In accordance with congressional direction implementing the 1995 recommendations of the Defense Base Closure and Realignment Commission (BRAC 95), the Navy will close NAS Cecil Field, Florida, and realign F/A-18 aircraft, personnel, and ancillary activities associated with the existing F/A-18 aircraft, personnel, and ancillary activities associated with the existing F/A-18 missions. F/A-18 assets from NAS Cecil Field will be distributed to support the Navy's operational mission by use of existing infrastructure and capacity, elimination of substantial new construction, and maintenance of operational flexibility for deployment. For BRAC 95, two F/A-18 reserve squadrons are proposed to be sent to NAS Atlanta for integration with Naval Reserve Forces and two operational squadrons are proposed to be sent to MCAS Beaufort to establish joint operations capability with existing Marine Corps F/A-18 assets. These two moves will be addressed in separate NEPA documentation. The remainder of

F/A-18 assets (up to ten squadrons) are proposed to be sent to NAS Oceana and is the subject of this EIS. The move to NAS Oceana includes approximately 175 aircraft, 3,600 military personnel, and 200 civilians. In order to accommodate this realignment, approximately 200,000 square feet of new/existing facilities will be constructed or modified. In addition, the realignment will result in a greater level of aircraft operations at NAS Oceana, at Naval Auxiliary Landing Field (NALF) Fentress, located in Chesapeake, Virginia, and within various aircraft training ranges and warning areas in and adjacent to Virginia and eastern North Carolina, including Dare County, BT-9 (Brant Island Shoal), and BT-11 (Piney Island).

The Navy intends to analyze the potential impacts of the realignment on the natural environment, including but not limited to air quality, plant and animal habitats, and water resources, such as streams and wetlands. It will also evaluate potential effects to the built environment, including land use patterns, cultural resources, transportation, housing, community services, and the regional economy. Further, the Navy will be preparing analyses of the projected operations of the incoming F/A-18 aircraft on the existing airspace range structure in Virginia and eastern North Carolina, and on aircraft noise exposure levels in and around NAS Oceana and NALF, Fentress, and training areas in Virginia and North Carolina.

In accordance with the Clean Air Act, as amended in 1990 (42 U.S.C. 7401-7661q), as implemented by the Environmental Protection Agency Regulations on Determining Conformity of General Federal Actions to Federal or State Implementation Plans (40 CFR Parts 6, 53, and 93), the Navy will conduct a conformity review, assessing whether total direct and indirect air emissions associated with the realignment are consistent or in compliance with all relevant requirements and milestones contained in the relevant State Implementation Plan (SIP). All required public comment periods, hearings and notices associated with the conformity review will be conducted concurrently with those associated with the EIS.

The Navy will initiate a scoping process for the purpose of determining the scope of significant issues to be addressed in the EIS related to the proposed action. The Navy will hold five public scoping meetings on the following dates: December 5, 1995 beginning at 7 p.m. at the Carteret County Courthouse, Courthouse Square,