

**FOR FURTHER INFORMATION CONTACT:**

Council staff, telephone: 907-271-2809.

**SUPPLEMENTARY INFORMATION:** The agenda for the meeting will include the following subjects:

1. Reports from NMFS and the Alaska Department of Fish and Game on the current status of the fisheries off Alaska, and enforcement reports from the U.S. Coast Guard and NMFS.

2. Final review of a regulatory amendment to raise ownership caps for Bering Sea/Aleutian Islands (BSAI) halibut quota share holders.

3. Final decision on gear allocations for BSAI Pacific cod fishery.

4. Final decisions on BSAI crab bycatch management measures, including proposed closures and prohibited species limits.

5. Initial review of an amendment package for measures to improve retention and utilization of groundfish species.

6. A report on a proposal to ban night trawling for Pacific cod and discussion of whether to proceed with an amendment analysis.

7. Final decision on proposed revisions to the Gulf of Alaska and BSAI groundfish overfishing definitions.

8. Review and approval of a Request for Proposals for analysis of management measures for the halibut charterboat industry off Alaska.

The agenda for the Council's joint meeting with the IPHC includes the following discussion items:

1. IPHC Area 4 biomass distribution.
2. Gridsorting.
3. Bycatch compensation by area.
4. Bycatch limits.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907-271-2809, at least 5 working days prior to the meeting date.

Dated: May 20, 1996.

Richard W. Surdi,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 96-13285 Filed 5-24-96; 8:45 am]

BILLING CODE 3510-22-F

**[I.D. 051796C]****Marine Mammals; Scientific Research Permit (P466C)**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Receipt of application.

**SUMMARY:** Notice is hereby given that Mr. Scott D. Kraus, New England Aquarium, Central Wharf, Boston, MA 02110-3399, has applied in due form for a permit to take by harassment up to 4,000 harbor porpoises (*Phocoena phocoena*) in the Gulf of Maine during the course of acoustic playback experiments for purposes of scientific research.

**DATES:** Written comments must be received on or before June 21, 1996.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and

Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298 (508/281-9250).

Written data or views, or requests for a public hearing on this request, should be submitted to the Director, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant seeks authorization to take by harassment up to 4,000 harbor porpoises (*Phocoena phocoena*) in the Gulf of Maine during the course of underwater acoustic playback experiments. The proposed research is a continuation of work previously authorized in 1992, and will provide data on porpoise responses to various acoustic stimuli used as acoustic deterrent devices in commercial fishing gear.

Dated: May 17, 1996.

Ann D. Terbush,

*Chief, Permits and Documentation, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 96-13286 Filed 5-22-96; 3:24 pm]

BILLING CODE 3510-22-F

**CONSUMER PRODUCT SAFETY COMMISSION****Sunshine Act Meeting**

**TIME AND DATE:** 10:00 a.m., Thursday, May 30, 1996.

**LOCATION:** Room 410, East West Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Closed to the Public.

**MATTER TO BE CONSIDERED:**

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504-0709.

**CONTACT PERSON FOR ADDITIONAL**

**INFORMATION:** Sadye E. Dunn, Office of the Secretary, 4330 East West Highway., Bethesda, MD 20207 (301) 504-0800.

Dated: May 22, 1996.

Sadye E. Dunn,

*Secretary.*

[FR Doc. 96-13446 Filed 5-23-96; 2:51 pm]

BILLING CODE 6355-01-M

**[CPSC Docket No. 96-C0006]****Burlington Coat Factory Warehouse Corp., 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 Section 1605.13. Published below is a provisionally-accepted Settlement Agreement with Burlington Coat Factory Corp., 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 June 12, 1996.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 96-C0006, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

**FOR FURTHER INFORMATION CONTACT:** William J. Moore, Jr., 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: May 20, 1996.

Sadye E. Dunn,  
Secretary.

#### Consent Order Agreement

Burlington Coat Factory Warehouse Corporation ("Burlington Coat Factory" or "Respondent") enters into this Consent Order Agreement with the staff ("the staff") of the Consumer Product Safety Commission ("the Commission") pursuant to the procedures set forth in section 1605.13 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Flammable Fabrics Act (FFA), 16 CFR part 1605.

This Agreement and Order are for the sole purpose of settling allegations of the staff that Respondent sold certain ladies' rayon sheer chiffon skirts and scarves that failed to comply with the Standard for the Flammability of Clothing Textiles 16 CFR part 1610 ("the general wearing apparel standard").

#### Respondents and the Staff Agree

1. The Consumer Product Safety Commission is an independent regulatory agency of the United States government. The Commission has jurisdiction over this matter under the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.* (CPSA), the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.* (FAA) and the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.* (FTC).

2. Respondent Burlington Coat Factory is a corporation organized and existing under the laws of the State of Delaware with principal corporate offices at 1830 Route 130, Burlington, New Jersey 08016.

3. Respondent is now, and has been, engaged in one or more of the following activities: the sale, or the offering for sale, in commerce, or the delivery for introduction, transportation in commerce, or the sale or delivery after sale or shipment in commerce, of womens' skirts and scarves subject to the general wearing apparel standard.

4. This Agreement is for the sole purpose of settling the allegations in the accompanying Complaint. The Agreement becomes effective only upon its final acceptance by the Commission and service of the incorporated Order upon Respondent. The parties agree to

entry of the attached Order, which is incorporated herein by reference.

5. Respondent specifically denies the allegations contained in paragraphs 3-5 of the accompanying Complaint. In particular, Respondent contends that it did not knowingly sell rayon sheer chiffon skirts and scarves that violated the flammability requirements of the general wearing apparel standard. Nothing in this Agreement constitutes an admission by Respondent that it violated the law.

6. Respondent further contends that it has received no reports of injuries from the use of any products enumerated in this agreement or the accompanying Complaint. Respondent makes no admission of any fault, liability, or statutory violation. Nor does this Agreement constitute an admission by Respondent that it is paying a civil penalty; any payment referenced in paragraph II of the accompanying Order is solely to settle the Commission's contention that a civil penalty is appropriate.

7. The parties agree that this Consent Order Agreement resolves the allegations of the accompanying Complaint. The Commission specifically waives its right to initiate any other criminal, civil or administrative action against the Respondent, its shareholders, officers, directors, employees, and agents with respect to those alleged violations.

8. Respondent waives any rights to a formal hearing as to any findings of fact and conclusions of law regarding the allegations set forth in the Complaint. Respondent waives any right to seek judicial review or otherwise challenge or contest the validity of the Commission's Order.

9. The Commission may disclose the terms of this Consent Order Agreement to the public consistent with Section 6(b) of the CPSA.

10. This Agreement and the Complaint accompanying the Agreement may be used in interpreting the incorporated Order. Agreements, understandings, representations or interpretations made outside of this Consent Order Agreement may not be used to vary or contradict its terms.

Upon acceptance of this Agreement, the Commission shall issue the following order.

By:  
Paul C. Tang,  
Vice President and General Counsel,  
Burlington Coat Factory, Warehouse  
Corporation, 1830 Route 130, Burlington, New  
Jersey 08016.

Date: April 12, 1996.

By:  
William J. Moore, Jr.,  
Trial Attorney, Division of Administrative  
Litigation.

Date: April 12, 1996.

Eric L. Stone,  
Acting Director, Division of Administrative  
Litigation.  
David Schmeltzer,  
Assistant Executive Director, Office of  
Compliance, Consumer Product Safety  
Commission, Washington, DC 20207.

#### Order

Upon consideration of the Agreement of the parties

#### I

*It is hereby ordered* That Respondent, its successors and assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other business entity, or through any agency, device or instrumentality, do forthwith cease and desist from selling or offering for sale, in commerce, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any 100% rayon sheer chiffon skirts or scarves that fail to comply with the flammability requirements of the Standard for the Flammability of Clothing Textiles: 16 C.F.R. Part 1610.

#### II

*It is further ordered* That Respondent pay to the United States Treasury a civil penalty of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) within twenty (20) days after service upon Respondent of the Final Order.

#### III

*It is further ordered* That for a period of three years following the service upon Respondent of the Final Order in this matter, Respondent notify the Commission within 30 days following the consummation of the sale of a majority of its stock or following a change in any of its corporate officers responsible for compliance with the terms of this Consent Agreement and Order.

By direction of the Commission, this Consent Order Agreement is provisionally accepted pursuant to 16 C.F.R. Section 1605.13, and shall be placed on the public record, and the Secretary is directed to publish the provisional acceptance of the Consent Order Agreement in the Commission's Public Calendar and in the Federal Register.

So ordered by the Commission, this 20th day of May, 1996.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

#### Complaint

The staff of the Consumer Product Safety Commission ("staff") contends that Burlington Coat Factory Warehouse Corporation, a corporation ("Respondent"), is subject to the provisions of the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.* (CPSA); the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.* (FFA); the Federal Trade Commission Act (15 U.S.C. 41 *et seq.* (FTC); and the Standard for the Flammability of Clothing Textiles, 16 C.F.R. part 1601 ("the general wearing apparel standard"). The staff further contends Respondent violated the general wearing apparel standard's provisions related to the flammability of certain women's rayon sheer chiffon skirts and scarves.

Based upon the information provided to the Commission by the staff, the Commission determined it is in the public interest to issue this Complaint. Therefore, by virtue of the authority vested in the Commission by section 30(b) of the CPSA, 15 U.S.C. 2079(b); sections 3 and 5 of the FFA, 15 U.S.C. 45; and in accordance with the Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025, the Commission hereby issues this Complaint and states the staff's charges as follows:

1. Respondent Burlington Coat Factory is a corporation organized and existing under the laws of the State of Delaware with principal corporate offices at 1830 Route 130 N, Burlington, New Jersey, 08016.

2. Respondent is and has been engaged in one or more of the following activities: the sale, or the offering for sale, in commerce, of women's sheer chiffon rayon skirts and scarves subject to the general wearing apparel standards.

3. In 1994 and 1995, Respondent sold and offered for sale women's 100% rayon sheer chiffon skirts and scarves that did not comply with the flammability requirements for general wearing apparel.

4. As the result of these failures to comply with the general wearing apparel standard, Respondent sold, or offered for sale, in commerce, a significant number of women's garments purchased from several different importers that failed to comply with the general wearing apparel flammability standards.

5. After being informed of the violations involving sheer chiffon skirts by the Commission staff in 1994, Respondent nevertheless sold and offered for sale sheer chiffon scarves that did not comply with the applicable flammability requirements.

#### Relief Sought

Wherefore, the staff requests the Commission to issue an order requiring the Respondent to:

Cease and desist from the sale, or the offering for sale, in commerce, delivery for introduction, transportation in commerce, or the sale or delivery after sale or shipment in commerce, of rayon sheer chiffon skirts and scarves subject to the general wearing apparel standards that fail to comply with such standards.

Wherefore, the premises considered, the Commission hereby issues this Complaint on the \_\_\_\_ day of \_\_\_\_\_, 1996.

Dated:

By direction of the Commission:

David Schmeltzer,

Assistant Executive Director, Office of Compliance.

[FR Doc. 96-13203 Filed 5-24-96; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF ENERGY

### Establishment of the Fee Policy for Acceptance of Foreign Research Reactor Spent Nuclear Fuel

**AGENCY:** Department of Energy.

**ACTION:** Notice of establishment of the fee policy for acceptance of foreign research reactor spent nuclear fuel.

**SUMMARY:** This notice establishes the fee policy for receipt and management of spent nuclear fuel from foreign research reactors by the Department of Energy (DOE). DOE's foreign research reactor spent fuel acceptance policy covers aluminum-based and TRIGA (Training, Research, Isotope, General Atomics) spent fuel and target material containing uranium enriched in the United States. For high-income economy countries, the fee will be no higher than \$4,500 per kilogram of total mass for aluminum based spent fuel containing highly enriched uranium (HEU) and TRIGA spent fuel, and no higher than \$3,750 per kilogram of total mass for aluminum based spent fuel containing low enriched uranium (LEU). The cost of shipping the spent fuel to the United States from high-income economy countries is not included in the fee, and will be borne by the reactor operators. For other countries, the Department will

pay the costs for shipping, receipt, and management.

**FOR FURTHER INFORMATION CONTACT:** G. F. Cole, Director, Office of Spent Fuel Management (EM-67), U.S. Department of Energy, 1000 Independence Ave, SW, Washington, DC 20585, Telephone (301) 903-1450.

**SUPPLEMENTARY INFORMATION:** On May 13, 1996, the Department of Energy (DOE) issued the Record of Decision (ROD) for the Final Environmental Impact Statement on a Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel (DOE/EIS-0218F of February 1996, the Final EIS). The ROD specifies that the United States will accept up to 19.2 MTHM (metric tonnes of heavy metal) of foreign research reactor spent fuel in approximately 22,700 separate elements and up to approximately an additional 0.6 MTHM of target material over a thirteen year period. All of this material contains uranium that was enriched in the United States.

DOE specified in the ROD that the following spent fuel and target material types will be accepted under this policy:

1. Spent nuclear fuel (HEU or LEU) from foreign research reactors operating on LEU fuel or in the process of converting to LEU fuel when the policy became effective.

2. Spent nuclear fuel (HEU or LEU) from foreign research reactors that operated on HEU fuel when the policy became effective but that formally commit to convert to LEU fuel. Spent nuclear fuel will not be accepted from foreign research reactors that could convert to LEU fuel but whose operators or owners do not formally commit, prior to receipt of their spent fuel into the United States, to make the conversion. Similarly, target material containing uranium enriched in the United States will only be accepted if reactors wishing to ship such target material have formally committed to convert to the use of LEU targets, when such targets become available. The terms and commitments for conversion are discussed in the ROD.

3. HEU spent nuclear fuel from foreign research reactors having lifetime cores, from foreign research reactors planning to shut down by a specific date while the policy is in effect, and from foreign research reactors for which a suitable LEU fuel is not available.

4. HEU or LEU spent nuclear fuel from foreign research reactors that are already shut down.

5. Unirradiated HEU or LEU fuel from eligible foreign research reactors will be accepted as spent nuclear fuel.