

a.m. to 12 p.m., and the closed sessions will be held on November 7 from 1:15 p.m. to 5:30 p.m. and on November 8 from 8 a.m. to 1 p.m. Written comments should be received no later than November 5, 1996.

**ADDRESSES:** The meeting will be held at NOAA Headquarters, 1325 East-West Highway (Silver Spring Metro Center Building 2), Silver Spring, MD 20910 in conference room 2358. Written comments should be sent to Kim Blankenkemper, Executive Secretary to the Advisory Committee, NOAA-NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Kim Blankenkemper, (301) 713-2276.

**SUPPLEMENTARY INFORMATION:** The Advisory Committee to the U.S. Section of ICCAT will meet in open session on November 6, 1996, from 2 p.m. to 6 p.m. and November 7, 1996, from 8:30 a.m. to 12 p.m. to discuss the stock status of highly migratory species, the implementation of ICCAT conservation measures by the United States and other countries, reports of the Committee's working groups, results of the Committee's regional meetings, 1995 ICCAT meeting accomplishments, upcoming issues facing ICCAT at its 1996 meeting, and other matters relating to the international management of ICCAT species. Both sessions will be open to the public; however, the November 6 session will be the only opportunity for public comment. Written comments are encouraged and, if mailed, should be received by November 5, 1996 (see **ADDRESSES**); however, they can also be submitted during the open sessions of the Advisory Committee meeting.

The Advisory Committee also will meet from 1:15 p.m. to 5:30 p.m. on November 7 and from 8 a.m. to 1 p.m. on November 8. These sessions will not be open to the public inasmuch as the discussions will involve classified information, the discussion of which relates to U.S. negotiating positions to be taken at the Tenth Special Meeting of ICCAT to be held in San Sebastian, Spain, from November 22-29, 1996. The Advisory Committee will discuss various options for the U.S. negotiating position during the closed sessions. Accordingly, the determination has been made that the Committee shall go into executive session for the afternoon session of November 7 and for the entire November 8 session.

The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kim Blankenkemper

at (301) 713-2276 at least 5 days prior to the meeting date.

Dated: October 8, 1996.  
Rolland A. Schmitt, Jr.,  
*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*  
[FR Doc. 96-26311 Filed 10-11-96; 8:45 am]  
**BILLING CODE 3510-22-F**

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## COMMISSION OF FINE ARTS

### Notice of Meeting

The Commission of Fine Arts' next meeting is scheduled for 17 October 1996 at 10:00 AM in the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street, N.W., Washington, D.C. 20001 to discuss various projects affecting the appearance of Washington, D.C., including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, D.C. 7 October 1996.  
Charles H. Atherton,  
*Secretary.*  
[FR Doc. 96-26318 Filed 10-11-96; 8:45 am]  
**BILLING CODE 6330-01-M**

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## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 97-C0001]

### The Brinkmann Corporation, 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 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with the Brinkmann Corporation, 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 October 30, 1996.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 97-C0001, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

**FOR FURTHER INFORMATION CONTACT:** Jeanne M. Siebert, 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: October 8, 1996.  
Sadye E. Dunn,  
*Secretary.*

### Settlement Agreement and Order

1. The Brinkmann Corporation ("TBC"), a corporation, enters into this Settlement Agreement and Order with the staff ("the staff") of the Consumer Product Safety Commission ("The Commission") in accordance with the procedures set forth in section 1118.20 of the Commission's Procedure for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act ("CPSA"), 16 C.F.R. § 1118. This agreement is a compromise resolution of the matter described herein, without a hearing or determination by the COMMISSION of any issues of law or fact or the issuance of any findings whatsoever.

#### I. The Parties

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

3. TBC is a corporation organized and existing under the laws of the State of Texas. Its principal offices are located at 4215 McEwen Road, Dallas, TX 75244. TBC is a manufacturer of outdoor cooking and lighting equipment.

#### II. Staff Allegations

4. In the 15 years from 1979 to 1993, TBC manufactured and distributed over 100,000 cooker/fryers, over 100,000 electric smokers and over 1,000,000 charcoal water smokers. Those products were distributed to consumers throughout the United States for use outside a residence or in recreation. TBC, therefore, is a "manufacturer" of "consumer products" which are "distributed in commerce," as those terms are defined in sections 3(a) (4) and (11) of the CPSA, 15 U.S.C. §§ 2052(a) (4) and (11).

### The Cooker/Fryer

5. The cooker/fryer is a portable type of outdoor cooking equipment used to deep fry or boil food. It was manufactured and distributed under the name "Country Cooker". It consists of a three part set, including: a burner unit, pan, and frying basket. The burner unit consists of a stand, a regulator, a burner, and a hose assembly.

6. The cooker/fryer had a design susceptible to spillage of hot liquids and food. The base of the cooker/fryer lacked a protective lip around its burner grate to help prevent the pan from being dislodged from the grate. In addition, the pan and basket design enabled the consumer to hang the basket component to the outside of the pan which could tip the pan and the basket off the cooker/fryer. In the 13 years from 1981-1993, TBC received complaints, several of which involved grievous injury, from consumers who were burned by hot liquids or solids when the pan was dislodged from the grate. In 1992, TBC added a warning to the cooker cautioning consumers against hanging the basket component on the outside of the pan.

7. Although TBC obtained information alleging that the cooker/fryer was defective and that the defects exposed consumers to a risk of injury from burning liquids or solids, it failed to provide information concerning the defects to the Commission as required by section 15(b) of the CPSA, as amended, 15 U.S.C. 2064(b).

### The Charcoal Water Smoker

8. The charcoal water smoker is a portable type of outdoor cooking equipment used to slow cook, self-baste, and smoke foods. It was manufactured under the "Brinkmann" label and the "COOK'N CA'JUN" label. The charcoal water smoker has a barrel shaped body containing brackets which support two grills, a water pan, and a charcoal pan. The charcoal pan is located beneath the water pan. The unit is equipped with a lid and a temperature gauge.

9. The charcoal water smoker had a hole in the center of the charcoal pan through which hot embers could fall. If the hot embers fell on a combustible surface, they could cause a fire. In the 14 years from 1980 to 1993, TBC received information on at least 25 incidents involving fires or charring caused by burning embers falling through the hole in the center of the charcoal pan; in one of the alleged fire incidents the smoker allegedly caused a fatal house fire. In 1992, TBC closed the hole in the charcoal pan and provided additional warnings in 1993.

10. Although TBC obtained information alleging that the hole in the charcoal pan could expose consumers to a risk of fire, it failed to provide information concerning the defect to the Commission as required by section 15(b) of the CPSA, as amended, 15 U.S.C. 2064(b).

11. The charcoal water smokers also had metal brackets and other parts with sharp edges that exposed consumers to a risk of laceration. In the 13 years from 1981 to 1993, TBC received information on at least 13 incidents involving consumers receiving lacerations, some of which involved serious lacerations, as a result of the sharp edges. In 1993, TBC retooled the dies used to produce the brackets and rounded the square corners to reduce the risk of injury.

12. Although TBC obtained information alleging that the charcoal water smokers had brackets and other components with sharp edges and could expose consumers to a risk of laceration, it failed to provide information concerning the defect to the Commission as required by section 15(b) of the CPSA, as amended, 15 U.S.C. 2064(b).

### The Electric Smoker

13. The electric smoker is a type of portable outdoor cooking equipment used to slow cook, self-baste, and smoke foods. This product was sold under the name "Smoke 'N Grill Electric." The electric smoker is similar to the charcoal water smoker, but instead of a charcoal pan, the electric water smoker is equipped with a solid bottom with an electric heating element and lava rocks.

14. The electric smoker had loose fitting brackets which enabled the water pan to be dislodged during use allowing the water pan to spill its contents. In the eight years from 1985-1992, TBC received at least 7 complaints from consumers who received burns when the water pan slipped off its base and spilled scalding liquids. TBC responded in 1989 by incorporating additional product warnings and in 1991 by changing the type of brackets used and their placement in the smoker.

15. Although TBC obtained information alleging that the brackets of the electric smoker were defective and could expose consumers to a risk of injury from burns, it failed to provide information concerning the defect to the Commission as required by section 15(b) of the CPSA, as amended, 15 U.S.C. § 2064(b).

### III. Brinkmann's Position

16. TBC denies each and all of the staff's allegations with respect to the outdoor cooking equipment identified

in this agreement, including that TBC at any time possessed information which reasonably supported the conclusion that: (i) its products contained defects which could create a substantial product hazard within the meaning of section 15(a) of the CPSA, 15 U.S.C. 2064(a), or (ii) its products created an unreasonable risk of serious injury or death, 15 U.S.C. 2064(b); and therefore, denies that it knowingly failed to meet its obligation to report to the Commission under section 15(b) of the CPSA.

17. The cooker/fryer does not contain any defects. The use of the cooker/fryer, similar to a stove top, requires that any cooking utensil placed on the burner be situated in such a manner so that the cooking utensil does not become imbalanced or dislodged. Further, after TBC received notice of the one (1) claim where someone had been injured by placing the frying basket outside of the pan, TBC, in 1992, incorporated additional warnings with the product.

18. As to the allegations concerning the alleged risk of fires caused by the charcoal water smoker, the design used was prevalent among the industry. The air hole in the bottom of the charcoal pan was open and obvious, and TBC advised that the charcoal water smoker should not be used on flammable surfaces and that a fire-retardant shield should be placed under the charcoal pan to guard against falling embers.

19. TBC denies all allegations concerning the alleged risks regarding the electric smoker.

### IV. Agreement of the Parties

20. TBC and the staff agree that the Commission has jurisdiction in this matter for purposes of entry and enforcement of this Settlement Agreement and Order.

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

22. By entering into this Settlement Agreement and Order, TBC does not admit any liability, statutory violation, or wrongdoing and this Settlement Agreement and Order does not constitute, and is not evidence of, or an admission of, any liability, statutory violation, or the existence of a product defect. This Settlement Agreement and Order are entered into for purposes of settlement only.

23. In accepting this Settlement Agreement, the Commission makes and will make no findings as to whether any of the consumer products mentioned above contain a defect which creates or could create a substantial product hazard or creates or could create an unreasonable risk of serious injury or

death; or that TBC knowingly violated the reporting provisions of section 15(b) of the CPSA, 15 U.S.C. 2064(b) pursuant to section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

24. The Commission may publicize the terms of the Settlement Agreement and Order.

25. The Settlement Agreement and Order shall be placed on the public record and shall be published in the Federal Register in accordance with the procedure set forth in 16 CFR § 1118.20(e). If, within 15 days of publication, the Commission has not received any written request not to accept the Settlement Agreement and Order, the Settlement Agreement and Order will be deemed to be finally accepted on the 16th day after the date it is published in the Federal Register (16 CFR § 1118.20(f)). Upon final acceptance, the Commission shall issue and serve upon TBC the attached order incorporated herein by reference.

26. Upon final acceptance of this Settlement Agreement and Order by the Commission, TBC knowingly, voluntarily, and completely waives any rights it might have only as to the allegations in this Settlement Agreement: (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 to or contest of the validity of the Commission's attached Order, (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. TBC reserves all rights not specifically waived above.

27. The parties further agree that the Commission shall issue the incorporated order under the CPSA, 15 U.S.C. § 2051 *et seq.* and that a violation of the Order will subject TBC to appropriate legal action.

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

The Brinkmann Corporation

Dated: August 8, 1996.

J. Baxter Brinkmann,  
President.

*The Consumer Product Safety Commission.*

Dated: October 3, 1996.

David Schmeltzer,  
Associate Executive Director, Office of  
Compliance.

Eric L. Stone,

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

Jeanne M. Siebert,  
Attorney, Division of Administrative  
Litigation, Office of Compliance.

#### Order

Upon consideration of the Settlement Agreement between Respondent, The Brinkmann Corporation ("TBC"), a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and TBC; and it appearing that 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 upon final acceptance of the Settlement Agreement, TBC shall pay to the order of the United States Treasury a civil penalty in the amount of ONE HUNDRED SEVENTH FIVE THOUSAND DOLLARS (\$175,000). The first payment of \$35,000 is due twenty (20) days after service of this Final Order upon the Respondent, TBC, and the remaining four payments of \$35,000 are due on the last day of the month for each of the four months following the initial payment. Upon the failure of TBC to make a payment or upon the making of a late payment by TBC, the entire amount of the civil penalty shall be due and payable, and 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 8th day of October, 1996.

By Order of the Commission:

Sadye E. Dunn,

*Secretary, Consumer Product Safety  
Commission.*

[FR Doc. 96-26224 Filed 10-11-96; 8:45 am]

BILLING CODE 6355-01-M

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Public Information Collection Requirements 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, Applicable Forms, and OMB Control Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 209.1, Responsible Prospective Contractors, and DFARS 252.209.7002, Disclosure of Foreign Ownership or Control by a Foreign Government, OMB Number 704-0353.

*Type of Request:* Extension of a currently approved collection.

*Number of Respondents:* 25.

*Responses Per Respondent:* 1.

*Annual Responses:* 25.

*Average Burden Per Response:* 1 hour.

*Annual Burden Hours:* 25.

*Needs and Uses:* 10 U.S.C. 2536 prohibits award of a Department of Defense contract under a national security program to an entity controlled by a foreign government, if access to a proscribed category of information is necessary for the performance of the contract. This information collection is used by contracting officers to identify offers from companies controlled by a foreign government. The guidance at DFARS 209.104 (48 CFR 209.104) and the solicitation provision at DFARS 252.209-7002 (48 CFR 252.209-7002) implement the requirements of 10 U.S.C. 2536.

*Affected Public:* Business or Other For-Profit, Not-for-Profit Institutions.

*Frequency:* On occasion.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* Mr. Peter N. Weiss. Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

*DOD Clearance Officer:* Mr. William Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: October 7, 1996.

Patricia L. Toppings,

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

[FR Doc. 96-26233 Filed 10-11-96; 8:45 am]

BILLING CODE 5000-04-M

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### Garnishments Processing Fee

**AGENCY:** Department of Defense, Defense Finance and Accounting Service.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is giving notice that it will collect a fee for processing garnishments against Department of Defense civilian employees and involuntary allotment applications against active duty military