

B. Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments valued at U.S.\$250 or less, do not require an ELVIS transmission for entry and shall not be charged to agreement levels, if applicable.

The actions taken concerning the Government of Singapore with respect to imports of textiles and textile products in the foregoing categories have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the **Federal Register**.

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97-34062 Filed 12-30-97; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Export Visa Stamp for Certain Textiles and Textile Products Produced or Manufactured in Hong Kong

December 23, 1997.

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

ACTION: Issuing a directive to the Commissioner of Customs providing for the use of a new export visa stamp.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

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.

Beginning on January 1, 1998, the Government of the Hong Kong Special Administrative Region will start issuing a new circular visa stamp. The visa number, date of issue, category(ies) and quantity(ies) will be printed by computer inside the circular stamp. This new visa will be issued on Export Licenses covering shipments of textile products, produced or manufactured in Hong Kong and exported on or after January 1, 1998.

Effective on January 1, 1998, textile products produced or manufactured in

Hong Kong and exported on or after January 1, 1998 shall be accompanied by a circular visa which includes the visa number, date of issue, category(ies) and quantity(ies) printed by computer inside the circular stamp. There will be a grace period from January 1, 1998 through January 31, 1998 during which the old or the new visa will be acceptable. The new visa stamp must accompany goods exported after January 31, 1998. If the merchandise is not accompanied by the appropriate visa, products will be denied entry and a new visa must be obtained.

A facsimile of the new visa stamp is on file at the U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, room 3100.

See 58 FR 2400, published on January 19, 1993.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 23, 1997.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 14, 1983, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain textiles and textile products, produced or manufactured in Hong Kong for which the Government of Hong Kong has not issued an appropriate visa.

Beginning on January 1, 1998, the Government of the Hong Kong Special Administrative Region will start issuing a new circular visa stamp. The visa number, date of issue, category(ies) and quantity(ies) will be printed by computer inside the circular stamp. This new visa will be issued on Export Licenses covering shipments of textile products, produced or manufactured in Hong Kong and exported on or after January 1, 1998.

Effective on January 1, 1998, you are directed to accept shipments of textile products, produced or manufactured in Hong Kong and exported on or after January 1, 1998 which are accompanied by a circular visa issued by the Government of Hong Kong Special Administrative Region which includes the visa number, date of issue, category(ies) and quantity(ies) printed by computer inside the circular stamp. There will be a grace period from January 1, 1998 through January 31, 1998 during which the old or the new visa will be acceptable. The new visa stamp must accompany goods exported after January 31, 1998. If the merchandise is not accompanied by the appropriate visa, products will be denied entry and a new visa must be obtained.

A facsimile of the new visa stamp is enclosed with this letter.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

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

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97-34065 Filed 12-30-97; 8:45 am]

BILLING CODE 3510-DR-F

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 98-C0003]

In the Matter of Century Products Company, 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). Published below is a provisionally-accepted Settlement Agreement with Century Products Company, a corporation, containing a civil penalty of \$225,000.

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 January 15, 1998.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 98-C0003, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Melvin I. Kramer, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0626.

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

Dated: December 24, 1997.

Sadye E. Dunn,
Secretary.

Settlement Agreement and Order

1. This Settlement Agreement and Order, entered into between Century Products Company, a corporation (hereinafter, "Century"), and the staff of the Consumer Product Safety Commission (hereinafter, "staff"), pursuant to the procedures set forth in 16 CFR 1118.20, is a compromise resolution of the matter described herein, without a hearing or determination of issues of law and fact.

The Parties

2. The staff is the staff of the Consumer Product Safety Commission (hereinafter, "Commission"), an independent federal regulatory agency of the United States government, established by Congress pursuant to section 4 of the Consumer Product Safety Act (hereinafter, "CPSA"), as amended, 15 U.S.C. § 2053.

3. Respondent Century is a corporation organized and existing under the laws of the State of Delaware with its principal corporate offices located at 9600 Valley View Rd., Macedonia, OH 44056. Century has an operating division named Okla Homer Smith Furniture Manufacturing Co., Inc. (hereinafter, "OHS"), located at 416 South Fifth St., Ft. Smith, AR 72901, which manufactures cribs and juvenile furniture.

Staff Allegations

4. Section 15(b) of the CPSA, 15 U.S.C. § 2064(b), requires a manufacturer of a consumer product who, *inter alia*, 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.

A. Wooden Cribs

5. Between April 1992 and December 31, 1993, Century through its OHS division, manufactured and sold, nationwide, approximately 278,000 wooden cribs of various models.

6. From April 1992 to December 31, 1993, OHS changed its method of attaching the slats to the side rails of these cribs, by using glue only. This allowed the slats to loosen, and partially or completely detach from the rails. If this occurs, a child could become entrapped in the larger space created by the missing or loosened slat, and could be asphyxiated.

7. From February 1993 to June 1993, Respondent learned of five non-fatal entrapment incidents in which an infant became entrapped in the side rail because of missing or loosened side rail slats.

8. On September 28, 1993, a child became entrapped and was asphyxiated in one of these wooden cribs where a slat had fallen out.

9. In January 1994, Century changed its method of attaching the slats to the side rails of these cribs from gluing only to nailing and gluing, to prevent this kind of an incident.

10. When initially contacted by the staff about the death, OHS admitted knowing of the fatal incident referenced in paragraph 8 above, but failed to immediately provide the information sought by the staff under section 15(b) of the CPSA.

11. Not until June 30, 1994, after repeated attempts by the staff to obtain this information, did Century, through its OHS division, provide a "Full Report" containing the information required by section 15(b) of the CPSA and 16 CFR § 1115.13, including a number of additional incidents.

12. Although Century, through its OHS division had obtained sufficient information to reasonably support the conclusion that these wooden cribs contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury or death, it failed to report such information to the Commission in a timely manner, as required by section 15(b) of the CPSA. This is a violation of section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4).

13. 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 Century is subject to civil penalties under Section 20 of the CPSA.

B. Strollers

14. Between February 1995 and October 1995, Century manufactured and sold approximately 166,000 Travelite Sports Strollers (hereinafter, "Stroller" and "Strollers"), models 11-171, 11-181 and 11-191.

15. The Strollers contain two defects: (a) if the front wheels of the Stroller hit a curb or other stationary object, the fold locks can break causing the stroller to fold unexpectedly, and (b) the buckle on the restraint strap may unlatch during normal use. If the fold lock fails or the restraint buckle unlatches, the child occupant could fall out of the Stroller and be seriously injured.

16. Between June 1995 and June 1996, Century learned of more than 500 reports of failures involving the Stroller's fold locks, including 29 injuries to children occupying the Stroller.

17. Between June 1995 and November 1996, Century learned of approximately 60 reports of failures involving the Stroller's restraint buckle, including approximately 20 injuries to the child occupant.

18. Between August 1995 and October 1995, Century made several design and materials changes to the fold lock and the restraint buckle in an attempt to address the problems in question.

19. On June 5, 1996, Century providing a "Full Report" regarding the fold locks, pursuant to section 15(b) of the CPSA and 16 CFR § 1115.13.

20. On November 1, 1996, Century provided a "Full Report" regarding the restraint buckle, pursuant to section 15(b) of the CPSA and 16 CFR § 1115.13.

21. Although Century had obtained sufficient information to reasonably support the conclusion that the Stroller contained defects which could create a substantial product hazard, or created an unreasonable risk of serious injury or death, it failed to report such information to the Commission in a timely manner, as required by section 15(b) of the CPSA. This is a violation of section 19(a)(4) of the CPSA.

22. Century'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, and Century is subject to civil penalties under section 20 of the CPSA.

Response of Century

23. Century denies each and all of the staff allegations with respect to the Wooden Cribs and the Strollers. Century also denies that the Wooden Cribs or the Strollers contain defects which create or which could create a substantial product hazard within the meaning of section 15 of the CPSA. In particular, the September 28, 1993 incident involving a wooden crib was the result of misuse of the product. Century further denies that it obtained information sufficient to support an obligation to report nor had any obligation to report the incidents regarding the Wooden Cribs or the Strollers to the Commission under section 15(b) of the CPSA, and thus denies that it is subject to civil penalties under section 20 of the CPSA. Century makes no admission whatsoever of any fault, liability, or statutory violation.

24. Despite believing that the Wooden Cribs and Strollers contained no

substantial product hazard within the meaning of section 15(a) of the CPSA, 15 U.S.C. § 2064(a), Century voluntarily reported to the CPSC and voluntarily conducted corrective action programs with respect to the Wooden Cribs and the Strollers.

25. By entering into the Settlement Agreement and Order, Century does not admit any liability or wrongdoing. This Settlement Agreement and Order is agreed to by Century to avoid incurring additional legal costs and does not constitute, and is not evidence of, an admission of any liability or wrongdoing by Century.

Agreement of the Parties

26. The Commission has jurisdiction in this matter.

27. Century knowingly, voluntarily and completely 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, 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. This Settlement Agreement and Order settles any allegations of violation of section 15(b) of the CPSA regarding the products described in paragraphs 5 and 14 above. In addition, having reviewed all of the information regarding Century's Fold N' Go Playard, models 10-710 and 10-810, (top rail) and Century's Lil Napper Infant Swings, models 12-344, 12-345, 12-475, and 12-476, (restraint system), which Century has disclosed to the staff as of the effective date of this Settlement Agreement and Order, the Commission agrees that it will not seek any civil penalty regarding these two products, pursuant to sections 19(a)(4) and 20 of the CPSA, for failure to comply with the reporting requirements.

Notwithstanding the foregoing provisions of this paragraph, the CPSC shall not be precluded from seeking action with respect to the above referenced products on the grounds that Century failed to report based on

information in its possession or control, but not disclosed to the CPSC as of the effective date of this Settlement Agreement and Order, or based on information received by it after the effective date of this Settlement Agreement and Order, unless Century had actual knowledge that the CPSC had been "adequately informed", within the meaning of section 15(b) of the CPSA and its regulations, 16 CFR § 1115.

29. Nothing in this Settlement Agreement and Order shall be construed to preclude the CPSC from pursuing a corrective action or other relief not described above.

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

31. 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 shall publish it in the **Federal Register** in accordance with the procedure set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the 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).

32. Upon final acceptance of this Settlement Agreement and Order, the Commission shall issue the attached Order, incorporated herein by reference.

33. The provisions of this Settlement Agreement and Order shall apply to Century and its successors and assigns.

34. 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.

35. Century agrees to immediately inform the Commission if it learns of any additional incidents involving the products and alleged defects identified above.

36. This 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 to contradict its terms.

Dated: December 4, 1997.

Century Products Company.

James Connors,

President and CEO of Century Products Company.

Counsel to Century Products Company.

Christopher Smith,

Margo Shatz Block,

Arent Fox Kintner Plotkin & Kahn.

The Consumer Product Safety Commission.

Alan H. Schoem,

Associate Executive Director, Office of Compliance.

Eric L. Stone,

Director, Division of Administrative Litigation, Office of Compliance.

Dated: December 5, 1997.

Melvin I. Kramer,

Trial Attorney, Division of Administrative Litigation, Office of Compliance.

Ronald G. Yelenik,

Trial Attorney, Division of Administrative Litigation, Office of Compliance.

Order

Upon consideration of the Settlement Agreement between Respondent Century Products Company, a corporation, and the staff of the Consumer Product Safety Commission, and the Commission having jurisdiction over the subject matter and over Century Products Company, and it appearing the Settlement Agreement is in the public interest, it is

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

Ordered, that within 20 days of the service of the Final Order upon Respondent, Century Products Company shall pay to the order of the U.S. Treasury a civil penalty in the amount of two hundred and twenty-five thousand dollars (\$225,000).

Further ordered, Century shall immediately inform the Commission if it learns of any additional incidents involving the products and alleged defects identified herein.

Provisionally accepted and Provisional Order issued on the 24th day of December, 1997.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 97-34088 Filed 12-30-97; 8:45 am]

BILLING CODE 6355-01-M