

the Settlement Agreement and order within 15 days, the Settlement 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).

27. This Settlement Agreement and Order becomes effective upon its final acceptance by the Commission and service upon Respondent.

28. 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 publicise the terms of the Settlement and Order.

(29) The provisions of this Settlement Agreements and Order shall apply to 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.

30. Neiman Marcus agrees to immediately inform the Commission if it learns of any additional incidents or flammability information about the robes.

31. This Settlement 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 contradict its terms.

Dated: August 19, 1998.

Eric P. Geller,

*Senior Vice President and General Counsel,
The Neiman Marcus Group, Inc., Chestnut Hill, MA.*

The Consumer Product Safety Commission.

Alan H. Schoem,

Assistant Executive Director, Office of Compliance.

Eric L. Stone,

Director, Legal Division, Office of Compliance.

Dated: September 18, 1998.

Ronald G. Yelenik,

Trial Attorney, Legal Division, Office of Compliance.

Order

Upon consideration of the Settlement Agreement between Respondent The Neiman Marcus Group, Inc., a corporation, and the staff of the Consumer Product Safety Commission, and the Commission having jurisdiction over the subject matter and over The Neiman Marcus Group, Inc., 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. The Neiman Marcus Group, Inc. shall pay to the order of the U.S. Treasury a civil penalty in the amount of one hundred and twelve thousand five hundred dollars (\$112,500).

Further ordered, The Neiman Marcus Group, Inc. shall immediately inform the Commission if it learns of any additional incidents or flammability information about the products identified in the Settlement Agreement herein.

Provisionally accepted and Provisional Order issued on the 14th day of October, 1998.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 98-27990 Filed 10-16-98; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusion License to RSI Industries

AGENCY: U.S. Army Legal Services Agency, DoD.

ACTION: Notice of intent.

SUMMARY: In compliance with 37 CFR 404 et seq., the Department of the Army hereby gives notice of its intent to grant to RSI Industries and Pharmaceuticals, Inc., a corporation having its principal place of business at 5051 Edison Avenue, P.O. Box 1168, Chino, CA 91708, an exclusive license under U.S. Patent Number 5,714,515, issued February 3, 1998. This Patent relates to a food product for and a method for enhancing cellular phosphorylation potential.

FOR FURTHER INFORMATION CONTACT: Mr. Werten F.W. Bellamy, Intellectual Property Law Division, ATTN: JALS-IP, 901 North Stuart Street, Arlington, VA 22203-1837. Phone: (703) 696-8119.

SUPPLEMENTARY INFORMATION: Objections along with supporting evidence, if any, should be filed within 60 days from the date of this notice and submitted to the above address.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 98-27931 Filed 10-16-98; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement/ Environmental Impact Report (DEIS/ EIR) for the Upper Newport Bay Environmental Restoration Feasibility Study; City of Newport, Orange County, CA

AGENCY: U.S. Army Corps of Engineers, Los Angeles District, DoD.

ACTION: Notice of intent.

SUMMARY: Newport Bay is located on the southern California coast approximately 40 miles south of Los Angeles and 75 miles north of San Diego. The Pacific Coast Highway divides the Bay into two distinct bodies of water referred to as the "Upper" and "Lower" sections. Excessive sedimentation in the 752-acre Upper Newport Bay Ecological Reserve, and shoaling in navigation channels have resulted in habitat changes, disruption of boat traffic, and an overall decrease in water circulation in the Bay. Sediments and nutrients transported from the Newport Bay/San Diego Creek watershed to the bay will continue to degrade water quality and habitat quality within the bay. These conditions have caused a concern among local interest groups and resource agencies regarding the potential adverse impacts on the biota in the Bay ecosystem. The Corps is preparing a feasibility study to determine the Federal interest in restoring and enhancing the marine biological productivity of the Upper Bay and a long-term management plan to permit continued maintenance efforts in the Bay. The goal of the feasibility study is to preserve optimized structure, function, integrity and viability of the ecosystem.

ADDRESSES: Commander, U.S. Army Corps of Engineers, Los Angeles District, Environmental Planning Section, P.O. Box 532711, Los Angeles, CA 90053-2325.

FOR FURTHER INFORMATION CONTACT: Mr. Russell L. Kaiser, Environmental Manager, phone (213) 452-3846.

SUPPLEMENTARY INFORMATION:

1. Authorization

This study was authorized by Section 841 of the Water Resources Development Act of 1986, Pub. L. 99-662.

2. Background

The Corps along with several other Federal, state and local agencies and interested parties representing different