

members at both LCH and LIFFE, or (2) have affiliates that are clearing members at both LCH and LIFFE,<sup>4</sup> would be eligible to cross-margin proprietary positions that they maintain in Euro Euribor and Euro Libor futures and option contracts at LIFFE and Eurodollar futures and option contracts at CME. This program would take the "two-pot" approach to cross-margining, whereby performance bond and positions of participants are held in separate accounts by the CME Clearing House and by LCH, rather than a "one-pot" approach in which cross-margined positions and performance bond are maintained by the participating clearing organizations in jointly-held accounts. The CME Clearing House and LCH, by the terms of the Cross-Margining Agreement, would calculate daily the amount that each participant in the program could, with cross-margining, reduce its margin levels at LCH and CME. LCH and the CME Clearing House would then provide each other with cross-guaranties in the amount of the associated margin reductions to protect each clearing organization in the event of default by a clearing member of the other clearing organization. CME's proposal is unique in that, unlike the "two-pot" guaranteed cross-margining arrangement between the Government Securities Clearing Corporation and the New York Clearing Corporation ("NYCC") recently deemed approved by the Commission,<sup>5</sup> the current proposal raises issues of transnational insolvency which have not been previously considered in the cross-margining context.

### III. Request for Comment

The Commission requests comment from interested persons concerning any aspect of CME's proposed cross-margining program. The Commission is especially interested in comments regarding the cross-border bankruptcy aspects of this proposal.

Copies of CME's proposed rule amendments and certain other materials are available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Copies of the proposed amendments and related materials may also be obtained through the Office of the Secretariat by mail at the above address, by telephone at (202) 418-5100, or by electronic mail at secretary@cftc.gov. Other materials

<sup>4</sup> All LIFFE clearing members must also be members of LCH.

<sup>5</sup> July 2, 1999, letter to George F. Haase, Jr., NYCC President, from David P. Van Wagner, Associate Director of the Division of Trading and Markets.

submitted by CME may be available upon request pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the Commission's regulations thereunder, 17 CFR § 145 (1987), except to the extent they are entitled to confidential treatment as set forth in 17 CFR §§ 145.5, 145.9. Requests for copies of such materials should be made to the FOIA, Privacy Act, and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR §§ 145.7, 145.8.

Issued in Washington, D.C. on January 14, 2000 by the Commission.

**Alan L. Seifert,**

*Deputy Director.*

[FR Doc. 00-1569 Filed 1-21-00; 8:45 am]

**BILLING CODE 6351-01-U**

### CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 00-C0004]

#### Lancaster Colony Corporation; Provisional Acceptance of a Settlement Agreement and Order

**AGENCY:** Consumer Product Safety Commission

**ACTION:** Notice.

**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 Lancaster Colony Corporation, a corporation, containing a civil penalty of \$150,000.

**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 February 8, 2000.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 00-C0004, 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, 1351.

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

Dated: January 18, 2000.

**Sadye E. Dunn,**

*Secretary.*

[FR Doc. 00-1563 Filed 1-21-00; 8:45am]

**BILLING CODE 6355-01-M**

### CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket NO. 00-C0004]

#### Lancaster Colony Corporation, a Corporation; Settlement Agreement and Order

1. This Settlement Agreement and Order, entered into between Lancaster Colony Corporation, a corporation (hereinafter, "Lancaster Colony" or "Respondent"), and the staff of the Consumer Product Safety Commission (hereinafter, "staff"), pursuant to the procedures set forth in 16 C.F.R. § 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 Lancaster Colony is a corporation organized and existing under the laws of the State of Ohio with its principal corporate offices located in Columbus, Ohio. Lancaster Colony has an operating division named Candle-lite located in Cincinnati, Ohio, which manufactures and sells candles.

#### 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.

5. Between August 1995 and February 1996, Lancaster Colony through its Candle-lite division, manufactured and sold nationwide, approximately three million Clearfire De-lite Candles (hereinafter the "Candles" or the "product"). A candle is a "consumer product" and Lancaster Colony is a "manufacturer" of a "consumer product," which is "distributed in

commerce" as those terms are defined in sections 3(a)(1), (4), (11) of the CPSA, 15 U.S.C. §§ 2052(a)(1), (4), (11).

6. The product is a candle made of a clear gel-like substance which is packaged in a textured glass jar.

7. The Candles are defective because they could flare up unexpectedly during use, causing the Candles' glass holders to overheat and break. If this occurs, consumers could be burned or injured by broken glass.

8. On or about November 20, 1995, Lancaster Colony first received a report of an incident involving Candle flare-up.

9. By December 31, 1995, Lancaster Colony was aware of approximately forty four incidents involving Candle flare-up, resulting in reports alleging five personal injuries and twenty one occurrences of property damage.

10. In January 1996, with the incidents continuing to mount, Respondent stopped manufacture of the Candles.

11. In February 1996, Respondent revised the formulation of its original Candle, in part, to address the flare-up problem, and introduced a new candle in its place.

12. On or about May 2, 1996, the date the staff conducted an establishment inspection of the firm, Respondent was aware of at least 142 incidents involving candle flare-ups, including reports of approximately 20 incidents involving personal injury and reports of more than 55 incidents involving property damage.

13. Although Lancaster Colony through its Candle-lite division, had obtained sufficient information to reasonably support the conclusion that these Candles 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 prior to the inspection, 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).

14. 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 Lancaster Colony is subject to civil penalties under Section 20 of the CPSA.

#### Response of Lancaster Colony

15. Lancaster Colony denies the allegations of the staff that the Clearfire De-lite candles contain a defect which could create a substantial product hazard pursuant to section 15(a) of the CPSA, 15 U.S.C. § 2065(a); denies that it violated the reporting requirements of

section 15(b) of the CPSA, 15 U.S.C. § 2064(b), and further denies the other allegations of the CPSC staff as stated herein.

16. Lancaster Colony did not have reason to believe that these candles posed a substantial product hazard. Lancaster Colony believed the information available did not reasonably support the conclusion that the products were defective within the meaning of the CPSA or that they created an unreasonable risk of serious injury or death, and, therefore, no report was required under section 15(b) of the Act.

17. During the time period in which the CPSC alleges Lancaster Colony wrongfully failed to file a report, it conducted its own internal testing as well as independent testing at four different laboratories of 4,500 candles. Neither the in-house nor outside laboratories were able to recreate the scenario about which some consumers complained. These test results suggested to Lancaster Colony that no defect was present. Likewise, the extremely low complaint rate (0.00020) suggested to Lancaster Colony that any flare ups were due to consumer misuse and/or environmental contamination rather than an inherent product defect. Finally, based upon the nature of the complaints received by Lancaster Colony, the firm did not believe that the candles could create a substantial product hazard or create an unreasonable risk of serious injury or death. For these reasons, Lancaster Colony concluded, and outside counsel concurred, that it was not required to submit a report to the CPSC.

18. Nevertheless, Lancaster Colony cooperated fully with the Commission staff in designing and implementing a voluntary recall of the candles described in paragraphs 5 and 6 above.

19. By entering into this Settlement Agreement and Order, Lancaster Colony does not admit any liability or wrongdoing. This Settlement Agreement and Order is agreed to by Lancaster Colony solely for the purposes of avoiding the cost of litigation and does not constitute, and is not evidence of, an admission of liability or wrongdoing by Lancaster Colony.

#### Agreement of the Parties

20. The Commission has jurisdiction in this matter under the CPSA, U.S.C. §§ 2051-2084.

21. Lancaster Colony knowingly, voluntarily and completely waives any rights it may have (i) to an administrative or judicial hearing with respect to the Commission staff's allegations discussed in paragraphs 4

through 14 herein, and to the issuance of a complaint, (ii) to judicial review or other challenge or contest of the validity of the Commission's Order, (iii) to a determination by the Commission as to whether a violation of Section 15(b) of the CPSA, has occurred, (iv) to a statement of findings of fact and conclusions of law with, and (v) to any claims under the Equal Access to Justice Act.

22. 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 C.F.R. § 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 C.F.R. § 1118.20(f).

23. This Settlement Agreement and Order becomes effective only upon its final acceptance by the Commission and service upon Respondent. Compliance by Lancaster Colony with this Final Settlement Agreement and Order releases it from liability arising from any allegations of violation of section 15(b) of the CPSA regarding the specific candles described in paragraphs 5 and 6 above.

24. Upon final acceptance of this Settlement Agreement, the Commission may publicize the terms of the Settlement Agreement and Order.

25. Lancaster Colony agrees to pay to the Commission a civil penalty in the amount of one hundred fifty thousand dollars (\$150,000), in settlement of this matter, payable within twenty (20) days after service of the Final Order of the Commission accepting this Settlement Agreement.

26. This Settlement Agreement and Order are entered into for settlement purposes only and shall not constitute an admission or determination arising from the allegations that the candles contain a defect which could create a substantial product hazard or create an unreasonable risk of serious injury or death.

27. The provisions of this Settlement Agreement and Order shall apply to Lancaster Colony and 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.

28. 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 to contradict its terms.

Dated: December 10, 1999.

**John L. Boylan,**

*Treasurer, Lancaster Colony Corporation.*

The Consumer Product Safety Commission.

**Alan H. Schoem,**

*Associate Executive Director, Office of Compliance.*

**Eric L. Stone,**

*Director, Legal Division, Office of Compliance.*

Dated: December 17, 1999.

**Ronald G. Yelenik,**

*Trial Attorney, Legal Division, Office of Compliance.*

**Order**

Upon consideration of the Settlement Agreement between Respondent Lancaster Colony Corporation, a corporation, and the staff of the Consumer Product Safety Commission, and the Commission having jurisdiction over the subject matter and over Lancaster Colony Corporation, 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

Further Ordered, that within 20 days of service of the Final Order upon Respondent, Lancaster Colony Corporation shall pay to the order of the U.S. Treasury a civil penalty in the amount of one hundred fifty thousand dollars (\$150,000).

Provisionally accepted and Provisional Order issued on the 18th day of January, 2000.

By order of the Commission.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 00-1564 Filed 1-21-00; 8:45 am]

**BILLING CODE 6355-01-M**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**Defense Science Board**

**ACTION:** Notice of Advisory Committee Meetings.

**SUMMARY:** The Defense Science Board Task Force on Global Positioning Systems will meet in closed session on January 12-13, January 20-21, and January 24-25, 2000, at 3601 Wilson Boulevard, Suite 600, Arlington, Virginia 22203.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will receive briefings and discuss interim findings and tentative recommendations resulting from ongoing activities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92-463, as amended (5 U.S.C. App. II, (1994)), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c) (1) (1994), and that accordingly these meetings will be closed to the public. However, due to critical mission requirements for a report by the end of January, the Task force is unable to provide timely notice of the above mentioned meetings.

Dated: January 14, 2000.

**L.M. Bynum,**

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

[FR Doc. 00-1545 Filed 1-21-00; 8:45 am]

**BILLING CODE 5001-10-M**

**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**Notice of Intent To Grant an Exclusive Patent License**

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations (CFRs), which implements Public Law 96-517, the Department of the Air Force announces its intention to grant Thorgersen ElectroLuminescence Corporation, a company doing business in Woodbury, CT, an exclusive license in any right, title and interest the Air Force has in U.S. Patent No. 5,213,099. The inventor, Lloyd D. Tripp, was a government employee at the time of the invention. The invention is entitled "Ear Canal Pulse/Oxygen Saturation Measuring Device" and issued on May 25, 1993.

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within 60 days from the date of publication of this Notice. Information concerning the application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to Mr. Randy Heald, Associate General Counsel

(Acquisition), SAF/GCQ, 1500 Wilson Blvd., Suite 304, Arlington, VA 22209-2310. Mr. Heald can be reached at 703-588-5091 or by fax at 703-588-8037.

**Janet A. Long,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 00-1601 Filed 1-21-00; 8:45 am]

**BILLING CODE 5001-05-U**

**DELAWARE RIVER BASIN COMMISSION**

**Notice of Commission Meeting and Public Hearing**

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Wednesday, January 26, 2000. The hearing will be part of the Commission's regular business meeting. Both the conference and business meeting are open to the public and will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

The conference among the Commissioners and staff will begin at 10:00 a.m. and will include a report on the agency's budget for 2001; a discussion of the Basin comprehensive planning process; an update on the U.S. Army Corps of Engineers proposal for undertaking projects jointly with the Commission; a status report on progress toward an agreement between the Army Corps and the Commission for storage at F.E. Walter Reservoir; a report on the status of a new basinwide flood coordination initiative; and a discussion of plans for a two-day Commission meeting in Reading, Pennsylvania in March.

In addition to the dockets listed below, which are scheduled for public hearing, the Commission will address the following at its 1:00 p.m. business meeting: minutes of the December 8, 1999 business meeting; announcements; report on Basin hydrologic conditions; reports by the Executive Director and General Counsel; and public dialogue. The Commission also will conduct public hearings and consider a resolution to adopt the FY 2001 Budget and the 2000 Water Resources Program. It will consider additional resolutions to: authorize the Executive Director to contract with Water Resources Management, Inc. for a flow needs study for the Delaware River and major tributaries; and control toxic pollutants from point sources discharging to the Delaware River Estuary.

The dockets scheduled for public hearing will be as follows: