

sections 10 and 17(b) of the FTCA 15 U.S.C. 50 and 57(b).

11. Respondent reserves its right to challenge the Commission's findings under paragraphs 9 and 10 of this Agreement before the Commission and to have the court review whether the Commission's decision was arbitrary and capricious.

12. The Commission may publicize the terms of this Consent Order Agreement.

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

14. Upon acceptance of the Agreement, the Commission shall issue the following Order.

15. The provisions of this Agreement shall apply to Respondent and each of its successors and assigns.

Dated: September 29, 2003.

Respondent, the Lifelike Co.

Dennis W. Scruggs,

*Executive Vice President and Chief Financial Officer, The Lifelike Company, d/b/a My Twinn, 5655 South Yosemite Street, Suite 212, Greenwood Village, CO 80111.*

Commission Staff

Alan H. Schoem,

*Assistant Executive Director, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207-0001.*

Eric L. Stone,

*Director, Legal Division, Office of Compliance.*

Dated: September 29, 2003.

Dennis C. Kacoyanis,

*Trial Attorney, Office of Compliance.*

#### Order

*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 manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States or introducing, delivering for introduction, transporting or causing to be transported, in commerce, any product, fabric, or related material that fails to comply with the flammability requirements of the Standards for the Flammability of Children's Sleepwear, 16 CFR parts 1615 and 1616.

*It is further ordered* That following service upon Respondent of the Final Order in this matter, Respondent will 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 Agreement and Order is provisionally accepted pursuant to 16 CFR 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 16th day of December, 2003.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

#### Complaint

##### *Nature of Proceedings*

Pursuant to the provisions of the Flammable Fabrics Act (FFA), as amended, 15 U.S.C. 1191 *et seq.*; the Federal Trade Commission Act (FTCA), as amended, 15 U.S.C. 41 *et seq.*; and the Standards for the Flammability of Children's Sleepwear (Sleepwear Standards), 16 CFR parts 1615 and 1616, the Consumer Product Safety Commission having reason to believe that the Lifelike Company, d/b/a My Twinn®, 5655 South Yosemite Street, Suite 212, Greenwood, CO 80111, has violated the provisions of said Acts; and further, it appearing to the Commission that a proceeding by it in respect to those violations would be in the public interest, therefore, it hereby issues its complaint stating its charges as follows:

1. Respondent the Lifelike Company, d/b/a My Twinn® is a corporation organized and existing under the laws of the State of Colorado, with its principal place of business located at 5655 South Yosemite Street, Suite 212, Greenwood Village, CO 80111.

2. Respondent is now and has been engaged in the sale, or the offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported, in commerce, or the sale or delivery after a sale or shipment in commerce, as the term "commerce" is defined in section 2(b) of the FFA, 15 U.S.C. 119(b), "children's sleepwear" as defined in 16 CFR 1615.1 and 1616.1.

3. From October 15, 1999, through December 3, 1999, Respondent imported into the United States, sold, and offered for sale, in commerce, introduced, delivered for introduction, transported or caused to be transported, in commerce, and sold or delivered after a sale or shipment in commerce 4,366 pairs of purple satin pajamas made from 100% polyester that failed to meet the flammability requirements of the Children's Sleepwear Standards, 16 CFR parts 1615 and 1616, in violation of

section 3(a) of the FFA, 15 U.S.C. 1192(a).

4. In 2001, Respondent sold, and offered for sale, in commerce, introduced, delivered for introduction, transported or caused to be transported, in commerce, and sold or delivered after a sale or shipment in commerce, 2,103 pairs of purple satin pajamas, GPU 072899, made from 100% polyester that failed to meet the flammability requirements of the Children's Sleepwear Standards, 16 CFR parts 1615 and 1616, in violation of section 3(a) of the FFA, 15 U.S.C. 1192(a).

5. In 2001, Respondent sold, and offered for sale, in commerce, introduced, delivered for introduction, transported or caused to be transported, in commerce, and sold or delivered after a sale or shipment in commerce 3,564 rosebud nightgowns, GPU 072600, made from 100% polyester that failed to meet the flammability requirements of the Children's Sleepwear Standards, 16 CFR parts 1615 and 1616, in violation of section 3(a) of the FFA, 15 U.S.C. 1192(a).

6. The acts by Respondent set forth in paragraphs 3 through 5 of the complaint are unlawful and constitute an unfair method of competition and an unfair and deceptive practice in commerce under the FTCA, in violation of section 3(a) of the FFA, 15 U.S.C. 1192(a), for which a cease and desist order may be issued against Respondent pursuant to section 5(b) of the FFA, 15 U.S.C. 1194(b), and section 5 of the FTCA, 15 U.S.C. 45.

#### *Relief Sought*

7. The staff seeks the issuance of a cease and desist order against Respondent pursuant to section 5(b) of the FFA, 15 U.S.C. 1194(b), and section 5 of the FTCA, 15 U.S.C. 45.

Wherefore, the premises considered, the Commission hereby issues this Complaint on the 11th day of December, 2003.

By direction of the Commission.

Alan H. Schoem,

*Assistant Executive Director, Office of Compliance.*

[FR Doc. 03-31495 Filed 12-22-03; 8:45 am]

**BILLING CODE 6355-01-M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Department of Defense Draft Selection Criteria for Closing and Realigning Military Installations Inside the United States

**AGENCY:** Office of the Deputy Under Secretary of Defense (Installations and Environment), DoD.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the draft selection criteria that will be used by the Department of Defense to make closure and realignment recommendations that will be reviewed by the 2005 Defense Base Closure and Realignment Commission.

**DATES:** Comments should be submitted to the Department of Defense at the address shown below by January 28, 2004, to be considered in the formulation of the final criteria.

**ADDRESSES:** Interested parties should submit written comments to: Office of the Deputy Under Secretary of Defense (Installations & Environment), ATTN: Mr. Peter Potochney, Director, Base Realignment and Closure, Room 3D814, the Pentagon, Washington DC, 20301-3300. Please cite this **Federal Register** announcement in all correspondence. Interested parties may also forward their comments via facsimile at 703-695-1496.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike McAndrew, Base Realignment and Closure Office, ODUSD(I&E), (703) 614-5356.

**SUPPLEMENTARY INFORMATION:****A. Background**

The Defense Base Closure and Realignment Act of 1990, as amended (the Act), establishes the authority by which the Secretary of Defense may close or realign military installations inside the United States. Section 2913(a) of the Act requires the Secretary of Defense to publish the selection criteria proposed to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United States by December 31, 2003, for a 30-day public comment period. Section 2913(e) requires the Secretary of Defense to publish the final selection criteria no later than February 16, 2004. The final selection criteria are subject to Congressional disapproval by Act of Congress until March 15, 2004.

**B. Relationship to Previous Criteria**

Since the 1991 Base Realignment and Closure (BRAC) round, the Department of Defense (DoD) has used the same, publicly accepted, selection criteria to make its closure and realignment recommendations. The Department first published these criteria for public comment in a November 30, 1990 (55 FR 49678), **Federal Register** notice. Based on comments received, the proposed criteria were appropriately amended. The February 15, 1991 (56 FR 6374), **Federal Register** notice contained

an analysis of public comments received and a description of the changes DoD made to the draft criteria. Having not been disapproved by Congress, the final criteria were used to make recommendations to the 1991 Defense Base Closure and Realignment Commission. Subsequently, the DoD, in a December 15, 1992 (57 FR 59334), and a December 9, 1994 (59 FR 63769), **Federal Register** notice, announced that it would use the same final criteria to make recommendations to the 1993 and 1995 Defense Base Closure and Realignment Commissions, respectively.

The Act specifies that the selection criteria shall ensure that military value is the primary consideration in making closure and realignment recommendations. It also lists specific considerations that military value must include and special considerations that the selection criteria must address. The eight criteria proposed for this round were based on the accepted, tested, and proven criteria used in past BRAC rounds. These criteria now incorporate statutory requirements and stress the Department's capabilities based approach to performing missions.

**C. Draft Selection Criteria**

It is proposed that the Department of Defense use the following criteria in making recommendations for the closure or realignment of military installations inside the United States:

- In recommending military installations for closure or realignment, the Department of Defense will, giving priority consideration to military value (criteria 1-4), consider:

*Military Value*

1. The current and future mission capabilities and the impact on operational readiness of the Department of Defense's total force, including the impact on joint warfighting, training, and readiness.

2. The availability and condition of land, facilities and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

3. The ability to accommodate contingency, mobilization, and future total force requirements at both existing and potential receiving locations to support operations and training.

4. The cost of operations and the manpower implications.

*Other Considerations*

5. The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

6. The economic impact on existing communities in the vicinity of military installations.

7. The ability of both the existing and potential receiving communities' infrastructure to support forces, missions, and personnel.

8. The environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

**D. Previous Federal Register References**

1. 55 FR 49678, November 30, 1990: Proposed selection criteria and request for comments.

2. 55 FR 53586, December 31, 1990: Extend comment period on proposed selection criteria.

3. 56 FR 6374, February 15, 1991: Published selection criteria and analysis of comments.

4. 57 FR 59334, December 15, 1992: Published selection criteria.

5. 59 FR 63769, December 9, 1994: Published selection criteria.

Dated: December 18, 2003.

**L.M. Bynum,**

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

[FR Doc. 03-31631 Filed 12-19-03; 10:00 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF EDUCATION****Notice of Proposed Information Collection Requests**

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before February 23, 2004.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public