

DATES: Written or telefaxed comments must be received on or before February 26, 1998.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289); and
Regional Administrator, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221).

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by email or other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

For the purposes of scientific research, the applicant seeks authorization to import from Canada, three juvenile Steller sea lions (*Eumetopias jubatus*) currently housed at the Vancouver Aquarium, and two juvenile harbor seals (*Phoca vitulina*) presently residing at University of British Columbia. Over a five-year period the applicant requests to conduct studies on the nutritional physiology, metabolic development, and clinical health of Steller sea lions and harbor seals under captive conditions. Incidental to this scientific research, the public will be able to view the animals as part of an education program.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: January 21, 1998.

Ann D. Terbush,

Chief, Permits and Documentation Division,
Office of Protected Resources, National
Marine Fisheries Service.

[FR Doc. 98-1932 Filed 1-26-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 012098A]

Marine Mammals; Scientific Research Permits (559-1442 and P524B)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of applications.

SUMMARY: Notice is hereby given that applications have been received from the following individuals to take marine mammals for purposes of scientific research:

(559-1442) Mr. Salvatore Cerchio, Museum of Zoology, University of Michigan, 1109 Geddes Ave., Ann Arbor, MI 48109-1079, has applied in due form for a permit to import humpback whale samples from Mexico; and

(P524B) Dr. Shannon Atkinson, Hawaii Institute of Marine Biology, Univ. of HI, 1000 Pope Road MSB #213, Honolulu, HI 96822, has applied in due form for an amendment to Permit No. 969.

DATES: Written or telefaxed comments must be received on or before February 26, 1998.

ADDRESSES: The applications and related documents are available for review upon written request or by appointment in the following office(s):
Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289);

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298 (508/281-9250); and
Southwest Region, NMFS, 501 West Ocean Blvd., Long Beach, CA 90802-4213 (310/980-4001).

Written comments or requests for a public hearing on these applications

should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on a particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by email or other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

Mr. Salvatore Cerchio requests a permit to import 1000 humpback whale (*Megaptera novaeangliae*) biopsy tissue samples from Mexico. Samples have already been collected or will be collected under permits issued by the Mexican Government. The goals of the project are to assess paternity and test whether there is a large variance in reproductive success among males, typical of polygynous systems, or if paternities are distributed randomly.

Dr. Shannon Atkinson requests an amendment to Permit No. 969 to import the reproductive tract tissues, blood, plasma and serum of Mediterranean monk seals (*Monachus monachus*) taken from the subpopulation that inhabits the coast of Mauritania in North Africa and was involved in the 1997 die-off. Samples will be imported from Spain, where they are currently in storage. The applicant also requests authority to collect and/or import the same samples from all species of pinnipeds (except walrus) involved in beachings, strandings, die-offs, and taken during normal veterinary procedures on rehabilitated animals. The objective is to evaluate reproductive

hormone concentrations, obtained from blood samples, with respect to reproductive status of male and female monk seals, and other pinnipeds.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: January 21, 1998.

Ann D. Terbush,

*Chief, Permits and Documentation Division,
Office of Protected Resources, National
Marine Fisheries Service.*

[FR Doc. 98-1934 Filed 1-26-98; 8:45 am]

BILLING CODE 3510-22-F

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 98-C0004]

In the Matter of COA, Inc., 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 COA, Inc., a corporation, d/b/a Coaster Co. of America "containing a civil penalty of \$300,000."

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 11, 1998.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 98-C0004, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Howard N. Tarnoff, 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: January 20, 1998.

Sadye E. Dunn,
Secretary.

**In the Matter of COA, INC., a Corporation
d/b/a Coaster Co. of America**

Settlement Agreement and Order

1. This Settlement Agreement and Order, entered into between COA, Inc., d/b/a Coaster Co. of America, a corporation (hereinafter, "COA"), and the staff of the Consumer Product Safety Commission (hereinafter, "staff"), pursuant to the procedures set forth in 16 CFR § 1118.20, is a compromised 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 USC § 2053.

3. Respondent COA is a corporation organized and existing under the laws of the State of California with its principal corporate offices located at 1298 Sandoval St., Santa Fe Springs, CA 90670. COA is an importer and wholesaler of all types of home furnishings and furniture, including baby cribs.

Staff Allegations

4. Section 4(a) of the Federal Hazardous Substances Act (hereinafter, "FHSA"), 15 U.S.C. § 1263(a), prohibits the introduction into interstate commerce of any banned hazardous substance.

5. 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.

6. From approximately January 1993 through December 1996, COA imported and introduced into interstate commerce approximately 940 full-size baby cribs, identified as model 2368.

7. From approximately June 1996 through April 1997, COA imported and introduced into interstate commerce approximately 900 full-size baby cribs, identified as model 2364.

8. The staff inspected and evaluated these 2 cribs and identified multiple

violations of the FHSA and its regulations, Requirements for Full-Size Baby Cribs, 16 CFR Part 1508 (crib regulations). Any one of the FHSA violations is sufficient to render each crib to be a "banned hazardous substance" under the FHSA and the applicable crib regulation.

9. Specifically, model 2368 violated the FHSA and its crib regulations at 16 CFR §§ 1508.4 (a) and (b) (spacing of crib components); 16 CFR § 1508.6(b) (requirements for hardware), and; 16 CFR §§ 1508.9(b)(2) and (d) (identifying marks, warning statement, and compliance declaration).

10. Specifically, model 2364 violated the FHSA and its crib regulations at 16 CFR § 1508.4(a); 16 CFR § 1508.7(c) (requirements for construction and finishing), and; 16 CFR §§ 1508.9(b) (1) and (2) and (c).

11. In addition, on or about August 21, 1996, COA received a test report on a sample of model #2364 crib performed by the Detroit Testing Laboratory, Inc. (DTL) on August 20, 1996. DTL had identified and listed substantially all of the violations which the Commission's evaluations subsequently identified. DTL also noted that the decorative "S" on the side rails may present a potential for entrapment and strangulation. COA knew or should have known of these violations of the FHSA on or about August 21, 1996, yet it failed to report this to the Commission, as required by section 15(b) of the CPSA. Further, it continued to sell these cribs until at least March 18, 1997.

12. Because these two cribs failed to meet the Requirements for Full-Size Baby Cribs, each of them is a "banned hazardous substance" within the meaning of section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261 (q)(1)(A). The introduction into interstate commerce of these banned hazardous substances by COA was a prohibited act pursuant to section 4(a) of the FHSA and was committed "knowingly", as that term is defined in section 5(c)(5) of the FHSA, 15 U.S.C. 1264(c)(5).

13. Although COA had obtained sufficient information to reasonably support the conclusion that these 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).

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