

the exporter nor the manufacturer is a firm covered in this or any previous reviews or the original fair value investigation, the cash deposit rate will be 4.46%.

We will calculate importer-specific duty assessment rates on a unit value per pound basis. To calculate the per pound unit value for assessment, we summed the margins on U.S. sales with positive margins, and then divided this sum by the entered pounds of all U.S. sales.

These amended final results of administrative review and notice are in accordance with section 751(a)(1) and (h) of the Act (19 U.S.C. 1675(a)(1) and (h)) and 19 CFR 353.28.

Dated: February 11, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-4211 Filed 2-18-98; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021098G]

Endangered Species; Permits

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

ACTION: Receipt of applications for scientific research permits (1120, 1123, 1124, 1126, and 1127) and modification 1 to permit 998. Issuance of scientific research permits (1094, 1106, 1107) and amendments to permits 822, 847, and 848.

SUMMARY: Notice is hereby given that the following have applied in due form for permits that would authorize takes or possession of ESA-listed species for the purpose of scientific research and/or enhancement: the Idaho Department of Fish and Game at Boise, ID (IDFG) (1120); Mr. Edgard O. Espinoza, Deputy Laboratory Director of the National Fish and Wildlife Forensic Laboratory (1123); the Idaho Department of Fish and Game at Boise, ID (IDFG) (1124); the Washington Department of Fish and Wildlife at Olympia, WA (WDFW) (1126); and the Shoshone-Bannock Tribes at Fort Hall, ID (SBT) (1127). Notice is also given that NMFS has issued permits to: the Washington Department of Fish and Wildlife at Olympia, WA (WDFW) (1094); David Wm. Owens, of Texas A&M University (1106); and Dr. Issac Wirgin, of Institute of Environmental Medicine - New York

University Medical Center (1107). Notice is further given that NMFS has issued amendments to permits to the Fish Passage Center at Portland, OR (FPC) (822); the Oregon Department of Fish and Wildlife at La Grande, OR (ODFW) (847); and WDFW at Olympia, WA (848).

DATES: Written comments or requests for a public hearing on these requests must be received on or before March 23, 1998.

ADDRESSES: The application, permit, and related documents are available for review by appointment in the following offices:

Applications for permits 1106 and 1107: Director, Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432 (813-893-3141). The application for permit 1107 may also be reviewed at: Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930-2298 (508-281-9250)

Applications for permits 822, 847, 848, 1094, 1120, 1124, 1126, and 1127, and modification request for permits 998: Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

Application for permit 1123: Office of Protected Resources, F/PR3, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910-3226 (301-713-1401).

All documents may also be reviewed by appointment in the Office of Protected Resources, Endangered Species Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 (301-713-1401).

FOR FURTHER INFORMATION CONTACT: For permits 822, 847, 848, 998, 1094, 1120, 1124, 1126, and 1127: Robert Koch, Protected Resources Division, 503-230-5424.

For permits 1107 and 1123: Terri Jordan, Endangered Species Division, 301-713-1401.

For permit 1106: Michelle Rogers, Endangered Species Division, 301-713-1401.

SUPPLEMENTARY INFORMATION: Permits are requested under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217-227).

Those individuals requesting a hearing on these requests for permits should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries,

NOAA. All statements and opinions contained in the above application summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Issuance of these permits, modifications, and amendments, as required by the ESA, was based on a finding that such permits, modifications, and amendments: (1) Were applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. These permits, modifications, and amendments were also issued in accordance with and are subject to parts 217-222 of Title 50 CFR, the NMFS regulations governing listed species permits.

To date, protective regulations for threatened Snake River steelhead under section 4(d) of the ESA have not been promulgated by NMFS. This notice of receipt of applications requesting a take of this species is issued as a precaution in the event that NMFS issues protective regulations that prohibit takes of Snake River steelhead. The initiation of a 30-day public comment period on the application, including its proposed take of Snake River steelhead, does not presuppose the contents of the eventual protective regulations.

Applications Received

IDFG (1120) requests a five-year permit that would authorize takes of adult and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with the continuation of a captive broodstock program, currently provided by permit 795. Permit 795 is due to expire on May 31, 1998. The captive broodstock program will help to preserve and perpetuate the species and provide Snake River sockeye salmon for future recovery actions. The captive broodstock program is a cooperative effort among IDFG, NMFS, SBT, the University of Idaho, the Idaho Department of Environmental Quality, and the Bonneville Power Administration (BPA). Funding is provided by BPA. ESA-listed adult and juvenile fish are proposed to be trapped annually by IDFG to obtain individuals for propagating the species in captivity. The resulting progeny are proposed to be reared in IDFG hatcheries and/or transported to NMFS hatcheries for rearing. ESA-listed juvenile fish generated from the captive broodstock program are proposed to be transported from the hatcheries and released into Stanley Basin lakes (Redfish, Pettit, and Alturas Lakes) and outlet streams

annually. ESA-listed juvenile fish are proposed to be observed by snorkeling or captured and tagged with passive integrated transponders for scientific monitoring and evaluation purposes. ESA-listed adult fish are proposed to be observed during redd counts or captured, tagged with radiotransmitters, and tracked electronically. ESA-listed juvenile fish indirect mortalities associated with scientific research and transportation activities are also requested.

Mr. Edgard O. Espinoza, Deputy Laboratory Director of the National Fish and Wildlife Forensic Laboratory (1123) requests authorization to possess and conduct research on listed, non-marine mammal, non-reptilian species using tissue samples (fin clips, barbels, blood, muscle, skin) to provide technical support that is responsive to FWS goals involving protected and endangered species, via law enforcement. The application requests the ability to maintain samples of non-marine mammal, or reptile listed species obtained from permitted individuals and by Federal, state or local law enforcement agents for the purposes of archival.

IDFG (1124) requests a 5-year permit that would authorize takes of adult and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*); adult and juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*); adult and juvenile, threatened, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*); and adult and juvenile, threatened, Snake River steelhead (*Oncorhynchus mykiss*) associated with scientific research conducted throughout the state of ID. IDFG proposes to conduct seven research tasks: (1) General fish population inventories; (2) spring/summer chinook salmon natural production monitoring and evaluation; (3) spring/summer chinook salmon supplementation research; (4) Redfish Lake, Pettit Lake, and Alturas Lake kokanee/sockeye salmon research; (5) salmon and steelhead fish health monitoring; (6) steelhead natural production monitoring and evaluation; and (7) steelhead supplementation research. IDFG proposes to observe/harass ESA-listed species during surveys and redd counts and to employ seines, traps, and electrofishing to capture ESA-listed fish to apply passive integrated transponder (PIT) tags, radio tags, and other marks for migration studies. ESA-listed juvenile fish lethal takes are requested. ESA-listed fish indirect mortalities and incidental takes

associated with scientific research activities are also requested.

WDFW (1126) requests a 5-year permit that would authorize takes of adult and juvenile, threatened, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon; juvenile, threatened, Snake River fall chinook salmon; and adult and juvenile, threatened, Snake River steelhead associated with scientific research conducted in the Snake River Basin in WA. The new permit is proposed to replace the take authorization currently provided in permit 848, which is due to expire on March 31, 1998. WDFW proposes to conduct three classes of research activities: (1) Summer juvenile fish monitoring using snorkeling and electrofishing, (2) juvenile fish migrant monitoring using smolt traps and PIT tags, and (3) adult fish monitoring using spawning ground surveys and the application of radio tags. ESA-listed fish indirect mortalities associated with scientific research activities are also requested.

SBT (1127) requests a 5-year permit that would authorize takes of adult and juvenile, threatened, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon and adult and juvenile, threatened, Snake River steelhead associated with scientific research conducted throughout the Salmon River Basin in the state of ID. SBT proposes to conduct six research tasks: (1) Snorkel surveys; (2) spawning ground surveys; (3) juvenile chinook salmon migrant monitoring using a rotary screw trap and PIT tags; (4) juvenile fish migration timing and movement at the Yankee Fork using fyke nets; (5) juvenile chinook salmon and steelhead abundance and condition factor estimates at the Yankee Fork using electrofishing and seines; and (6) juvenile chinook salmon PIT-tagging using electrofishing, seines, hook and line, and other methods to capture fish. ESA-listed juvenile fish indirect mortalities associated with the research are also requested.

SBT requests modification 1 to permit 998. Permit 998 authorizes SBT a take of juvenile, endangered, Snake River sockeye salmon associated with scientific research designed to enumerate the annual smolt outmigration at Pettit Lake in ID for the purpose of evaluating overwinter survival, monitoring downstream migration, and calculating smolt-to-adult return ratios. For modification 1, SBT requests an increase in the take of ESA-listed juvenile sockeye salmon and a take of juvenile, threatened, naturally-

produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and juvenile, threatened, Snake River steelhead (*Oncorhynchus mykiss*) associated with a similar study at Alturas lake in ID. ESA-listed juvenile fish are proposed to be captured using a screw trap, handled, and released. A portion of the ESA-listed juvenile sockeye salmon to be handled are proposed to be anesthetized, marked with a small cut on the caudal fin, allowed to recover from the anesthetic, and released upstream of the trap. Sockeye salmon smolts captured at the trap following upstream release are proposed to be anesthetized, inspected for the caudal fin mark, allowed to recover from the anesthetic, and released as a means of determining trap efficiency. ESA-listed juvenile fish indirect mortalities associated with the research are also requested.

Permits Issued

Notice was published on October 14, 1997 (62 FR 53319) that an application had been filed by WDFW (1094) for a scientific research/enhancement permit. Permit 1094 was issued to WDFW on February 4, 1998. Permit 1094 authorizes WDFW annual direct takes of adult and juvenile, endangered, naturally-produced and artificially-propagated, upper Columbia River steelhead (*Oncorhynchus mykiss*) associated with a hatchery supplementation program in the mid- to upper Columbia River Basin. An incidental take of ESA-listed fish associated with releases from WDFW's hatchery supplementation program is also authorized. Permit 1094 will expire on May 31, 2003.

Notice was published on November 17, 1997 (62 FR 61296) that an application had been filed by David Wm. Owens, Texas A&M University, (1106) to take listed sea turtles as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222). Dr. Owens requested a scientific research permit to weigh, measure, blood sample, and satellite, PIT and flipper tag up to 15 loggerhead (*Caretta caretta*), 5 hawksbill (*Eretmochelys imbricata*), and 10 Kemp's ridley (*Lepidochelys kempi*) turtles at the Flower Garden Banks National Marine Sanctuary, Gulf of Mexico. Additionally, the applicant requested authorization to use ultrasonography, a non-invasive technique that allows imaging of a female turtle's ovaries, on captured turtles. The turtles are to be captured by

hand using SCUBA and a catch bag. The purpose of the research is to collect information on habitat utilization, migration, and reproductive biology. On January 15, 1998, NMFS issued Permit 1106 authorizing the above activities.

Notice was published on December 17, 1997 (62 FR 66053) that an application had been filed by Dr. Issac Wirgin, of Institute of Environmental Medicine - New York University Medical Center (1107), to possess tissue samples of listed shortnose sturgeon (*Acipenser brevirostrum*) as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222). The purpose of the research is to determine if shortnose sturgeon exhibit genetic variation throughout their Atlantic coast range. The permit holder is not authorized to conduct any field collection exercises to obtain the samples. All of the samples must be obtained from previously authorized sources (permitted researchers, law enforcement authorities). All tissue samples will be maintained in a laboratory at the Institute of Environmental Medicine, New York University Medical Center.

An amendment to FPC's scientific research permit 822 was issued on February 10, 1998. Permit 822 authorizes FPC takes of endangered and threatened Snake River salmon associated with the Smolt Monitoring Program (SMP), conducted in part at the dams on the Snake and Columbia Rivers. The amendment provides an extension of the permit through December 31, 1998. On December 29, 1997, the permit was extended to expire on May 31, 1998 (63 FR 2364). An additional extension of permit 822 is necessary to synchronize the duration of the permit with permit 895, the permit that authorizes the U.S. Army Corps of Engineers (Corps) takes of ESA-listed species associated with the Federal Columbia River Power System (FCRPS) juvenile fish transportation program (Permit 895 expires on December 31, 1998). Since the SMP is integral to the implementation of the FCRPS biological opinion, the coordination of these two permits will allow NMFS to better monitor the cumulative impacts to ESA-listed species as a consequence of activities conducted by both FPC and the Corps.

Amendments to scientific research/enhancement permits 847 and 848 were issued on February 6, 1998. The amendments provide an extension of the duration of each permit through June 30, 1998. The permits were due to expire on March 31, 1998. Permits 847

and 848 authorize ODFW and WDFW respectively takes of adult and juvenile, threatened, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with hatchery supplementation programs. Extensions of the permits are necessary to allow ODFW and WDFW to continue enhancement activities while NMFS processes applications for new permits.

Dated: February 10, 1998.

Patricia A. Montanio,
Deputy Director, Office of Protected
Resources, National Marine Fisheries Service.
[FR Doc. 98-4213 Filed 2-18-98; 8:45 am]
BILLING CODE 3510-22-F

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 98-C0007]

In the Matter of Binky-Griptight, 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 Binky-Griptight, Inc., 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 March 6, 1998.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 98-C0007, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Traci J. Williams, 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: February 12, 1998.

Sadye E. Dunn,
Secretary.

In the Matter of Binky-Griptight, Inc. a Corporation; Settlement Agreement and Order

1. Binky-Griptight, Inc. ("Binky-Griptight"), a corporation, enters into this Settlement Agreement and Order with the staff of the Consumer Product Safety Commission ("Commission" or CPSC) under the Consumer Product Safety Act ("CPSA"), 15 U.S.C. 2051-2084. The Settlement Agreement and Order comply with the procedures set forth in the Commission's Procedures for Consent Order Agreements. 16 CFR 1118.20.

I. The Parties

2. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory commission of the United States of America, established pursuant to section 4 of the CPSA, 15 U.S.C. 2053.

3. Binky-Griptight, Inc. is a corporation organized and existing under the laws of the State of New Jersey, with its principal corporate offices located at 519-523 Paterson Avenue, P.O. Box 3307, Wallington, New Jersey 07057.

II. Allegations of the Staff

4. Between April 1994 and August 1995, Binky-Griptight imported defective Binky Soft Latex Nipple Newborn Orthodontic pacifiers ("Li'l Binks"). Consequently, Binky-Griptight is a "manufacturer" as the term is defined in section 3(a)(4) of the CPSA, 15 U.S.C. 2052(a)(4).

5. The Li'l Binks were sold in retail stores throughout the United States. They were used by infants in their homes. As a result, the Li'l Binks are "consumer products" which were "distributed in commerce" as those terms are defined in section 3(a) (1) and (11) of the CPSA, 15 U.S.C. 2052(a) (1) and (11).

6. The handle of the Li'l Bink, which held the plug and the nipple, could crack and, if the cracking were severe, could cause the nipple and the plug to separate from the handle. If they separated from the handle, a child could choke on either the nipple or the plug. In May 1995, Binky-Griptight learned that the handle could crack. Also, Binky-Griptight received complaints about the cracked handles and detached plugs and nipples of the Li'l Bink. In September 1995, Binky-Griptight recalled the Li'l Binks from its customers.