

Honolulu, HI 96814-4700; phone (808) 973-2935; fax (808) 973-2941.

All documents may also be reviewed by appointment in the Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 713-0376.

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.

FOR FURTHER INFORMATION CONTACT:
Amy Sloan or Ruth Johnson, (301) 713-2289.

SUPPLEMENTARY INFORMATION: The subject permit and amendment are 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 and threatened species (50 CFR 222-227).

New Application Received

File No. 1003-1646: Dr. Burns proposes to import marine mammal parts (blood, blubber and muscle biopsies, and flipper tissue) from Canadian populations of harbor seals (*Phoca vitulina*), hooded seals (*Cystophora cristata*), harp seals (*Phoca groenlandica*), and grey seals (*Halichoerus grypus*). These tissues will be used to study physiological adaptations of foraging in marine mammals and more specifically, the development of body oxygen stores in phocid pups.

Amendment Request Received

Permit No. 455-1445-01 currently authorizes the Waikiki Aquarium to hold Hawaiian monk seals (*Monachus schauinslandi*) for the purpose of enhancing the survival and recovery of the species. The scientific research portion of the permit, which expired June 30, 2001, involved studies on the efficiency with which the monk seals assimilate and metabolize amino acids and fatty acids from common prey types, and the elucidation and monitoring of how reproductive and

metabolic activities are related in male monk seals. The applicant proposes to extend this portion of the permit to allow these research projects to continue through the duration of the enhancement permit, until June 30, 2003. The research projects will remain the same with the exception of the feeding study, where natural prey fish will be replaced with capelin, herring, smelt, squid, and/or lobster to ensure consistent quality in the food fed to the seals and to minimize the potential for introducing ciguatera. In addition, changes to training protocols for application to collection of samples for the scientific research studies and husbandry purposes are requested, including increasing training for blood sampling from one time per month to two times per week, training for voluntary swallowing of a feeding tube, and training to receive intramuscular injections.

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 activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

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

Dated: August 16, 2001.

Ann D. Terbush,

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

[FR Doc. 01-21330 Filed 8-22-01; 8:45 am]

BILLING CODE 3510-22-S

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 01-C0010]

Mast Industries, Inc., (A wholly Owned Subsidiary of The Limited, Inc.) and the Limited, Inc., a 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. Published below is a provisionally-accepted

Settlement Agreement with Mast Industries, Inc., (A wholly owned subsidiary of The Limited, Inc.) and The Limited, Inc., a corporation containing a civil penalty of \$500,000.

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 September 7, 2001.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 01-C0010, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT:
Melissa V. Hampshire, Trial Attorney, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0980, 2208.

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

Dated: August 16, 2001.

Todd A. Stevenson,
Acting Secretary.

Settlement Agreement and Order

1. This Settlement Agreement, made by and between the staff of the U.S. Consumer Product Safety Commission ("the staff") and Mast Industries, Inc. (hereinafter "Mast") and The Limited, Inc. (hereinafter "The Limited"), any of their subsidiary or affiliated companies in accordance with 16 CFR 1605.13 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Flammable Fabrics Act ("FFA"), is a settlement of the staff allegations set forth below.

I. The Parties

2. The Consumer Product Safety Commission ("Commission") is an independent federal regulatory agency responsible for the enforcement of the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.*

3. Mast Industries, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business 100 Old River Road, Andover Massachusetts, 01810. Mast is a wholly owned subsidiary of The Limited, Inc.

4. The Limited, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal corporate offices at Three Limited Parkway, Columbus Ohio, 43216.

II. Staff Allegations

5. The following children's sleepwear imported and distributed by Mast and

The Limited are the subject of this agreement;

a. Girl's 100 percent polyester pajama sets with a satin finish in sizes 6 through 14. The pajamas were two-piece pullover or front-button styles with sleeveless, short or long sleeved tops and bottoms, available in a variety of colors or patterns. The pajamas were labeled "made in Hong Kong," "Macau," or "Ski Lanka." Limited Too stores sold the pajamas nationwide from December 1995 through July 1998 for \$15–39.

b. Girl's sizes 7–14, 100 percent polyester fleece robes in violet, teal and plaid colors. The robes had shawl collars and a tie belt and were labeled "Limited Too" * * * "100% Polyester" * * * "Made in Sri Lanka." Limited Too stores nationwide sold the robes from September 1998 through December 1998 for between \$60 and \$64.

6. Beginning in 1996, Mast imported, and The Limited distributed and/or sold through their then retail stores known as Limited Too, into United States commerce approximately 432,120 children's polyester pajama sets, described in paragraph 5a above.

7. The children's pajama sets, described in paragraph 5a above, are subject to the Standards for the Flammability of Children's Sleepwear ("Sleepwear Standards"), 16 CFR Parts 1615 and 1616, issued under section 4 of the FFA, 15 U.S.C. 1193. The Commission tested, in July 1998, a sample of the pajama sets, and determined that they failed to comply with the Sleepwear Standards. The pajama sets were not flame-resistant and therefore unsuitable for use as children's sleepwear.

8. The Commission's subsequent investigation into the parties importation and distribution of the pajama sets showed that they did not test the pajama sets, as required, to the Sleepwear Standards.

9. Beginning in August 1998, Mast imported, and The Limited distributed and/or sold into United States commerce through their then Limited Too retail stores approximately 17,600 children's polyester fleece robes described in paragraph 5b above.

10. The Commission tested, in November 1998, samples of the robes, described in paragraph 5b above, for compliance with the requirements of the Sleepwear Standards. Testing determined that the robes, described in paragraph 5b above, failed to comply with the Sleepwear Standards and were not flame-resistant and therefore unsuitable for use as children's sleepwear.

11. Mast and The Limited knowingly imported, offered for sale and sold in commerce the children's sleepwear identified in paragraphs 5–10 in violation of section 3 of the FFA, 15 U.S.C. 1192, for which a civil penalty may be imposed pursuant to section 5(e)(1) of the FFA, 15 U.S.C. 1194(e)(1).

III. Response of The Limited Companies

12. Mast and The Limited deny the allegations set forth in paragraphs 5 through 11 above that they knowingly imported and offered for sale or sold in commerce the sleepwear identified in paragraphs 5–10 above in violation of section 3 of the FFA, 15 U.S.C. 1192. Mast tested the robes identified in paragraph 5b to the Sleepwear Standards. When the instances identified in paragraphs 5–11 became known to Mast and The Limited, they promptly and diligently cooperated with the Commission and voluntarily recalled the sleepwear that had sold and removed the remaining inventory from sale.

13. Mast and The Limited enter this Settlement Agreement and Order for settlement and compromise purposes only, to avoid incurring additional legal costs and expenses.

14. The parties have not received any reports of consumer injury related in any way to the specific sleepwear (pajama sets and robes) listed above.

IV. Agreement of the Parties

15. The Commission has jurisdiction over this matter and over Mast and The Limited under the Flammable Fabrics Act (FFA), 15 U.S.C. 1191 *et seq.*, and the Federal Trade Commission Act (FTCA), 15 U.S.C. 41 *et seq.*, and the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051 *et seq.*

16. Mast and The Limited knowingly, voluntarily and completely waive any rights they may have in the above captioned case (1) to the issuance of a Complaint in this matter; (2) to an administrative or judicial hearing with respect to the staff allegations cited herein; (3) to judicial review or other challenge or contest of the validity of the Commission's Order; (4) to a determination by the Commission as to whether Mast and The Limited failed to comply with the FFA as alleged; (5) to a statement of findings of fact and conclusions of law with regard to the staff allegations; and (6) to any claims under the Equal Access to Justice Act.

17. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and shall be published

in the **Federal Register** in accordance with 16 CFR 1118.20.

18. The Settlement Agreement and Order becomes effective upon final acceptance by the Commission and its service upon Mast and The Limited. Mast and/or The Limited shall pay a civil penalty in the amount of five hundred thousand dollars (\$500,000) to the United States Treasury, within 20 calendar days of receiving service of such final Settlement Agreement and Order.

19. In the event of default of the payment as set forth in paragraph 18 above, which default continues for ten (10) calendar days beyond the due date of payment, Mast and The Limited agree that they shall pay the United States Treasury the entire amount of civil penalty, due and owing as well as interest on the amount owing at a rate computed pursuant to 28 U.S.C. 1961(a), as well as a penalty in the amount of five hundred dollars (\$500.00) per day until full payment is made, calculated beginning on the first day after payment is due. In addition, in the event of default, Mast and The Limited agree that they shall raise no defense or objection to any collection action the Commission deems appropriate and shall pay all the costs incurred in such action.

20. This Settlement Agreement and Order is entered into for the purposes of compromise and settlement only and does not constitute a determination by the Commission that Mast and The Limited knowingly violated the FFA. This Settlement Agreement and Order is not to be deemed or construed as an admission by Mast and The Limited of any liability or wrongdoing by them; or that they violated any law or regulation. Upon final acceptance of this Settlement Agreement by the Commission, the issuance of the Order, and the full and timely payment by Mast and/or The Limited to the United States Treasury a civil penalty in the amount of five hundred thousand dollars (\$500,000), the Commission specifically waives its right to initiate, either by referral to the Department of Justice or bringing in its own name, any action for civil penalties against (a) Mast and/or The Limited; (b) any of Mast and/or The Limited shareholders, directors, officers, employees, agents or attorneys; and (c) any successor, heir, or assign of the persons described in (a), (b) or (c) for violations or alleged violations of the Flammable Fabrics Act with respect to the conduct outlined in paragraphs 5–11 of this Agreement.

21. Upon provisional acceptance of the Commission, the parties agree that the Commission may publicize the

terms of the Settlement Agreement and Order.

22. Mast and The Limited agree to the entry of the attached Order, which is incorporated herein by reference, and agree to be bound by its terms.

23. The Commission's Order in this matter is issued under the provisions of the FFA, 15 U.S.C. 1191 *et seq.*, and a violation of this Order may subject Mast and The Limited to appropriate legal action.

24. This Settlement Agreement and Order is binding upon Mast and The Limited and their assigns or successors.

25. Agreements, understandings, representations, or interpretations made outside this Settlement Agreement and Order may not be used to vary or contradict its terms.

26. The existence of a dispute shall not excuse, toll, or suspend any obligation or deadline imposed upon Mast and The Limited under this Settlement Agreement and Order.

27. This Settlement Agreement and Order shall not be waived, changed, amended, modified, or otherwise altered, except in writing executed by the party or parties against whom such waiver, change, amendment, modification, or alteration is sought to be enforced, and approved by the Commission.

Mast Industries, Inc.

Dated: August 9, 2001.

Cathleen Morrison,
Executive Vice President and Chief Administrative Officer.

The Limited, Inc.

Dated: August 8, 2001.

Douglas Williams,
Vice President and Senior Counsel.

Georgia C. Ravitze, Esq.
Scott A. Cohn, Esq.,
Arent, Fox, Kintner, Plotkin & Kahn, PLLC,
1050 Connecticut Ave., NW., Washington,
DC 20036-5339.

U.S. Consumer Product Safety Commission Staff

Michael S. Solender, General Counsel
Alan Shakin, Assistant General Counsel

Dated: August 9, 2001.

Melissa V. Hampshire,
Attorney, Enforcement and Information Division, Office of The General Counsel.

Order

Upon consideration of the Settlement Agreement entered into between the staff of the U.S. Consumer Product Safety Commission ("the staff") and Mast Industries, Inc. ("Mast") and The Limited, Inc. ("The Limited") and any of their subsidiary or affiliated companies; and the Commission having jurisdiction over the subject matter and The Limited and Mast; and it appearing

that the Settlement Agreement and order is in the public interest,

It is ordered, that the Settlement Agreement and Order be and hereby is provisionally accepted and

It is further ordered, that upon final acceptance of the Settlement Agreement and issuance of the Final Order, that Mast and/or The Limited shall pay to the United States Treasury a civil penalty of five hundred thousand dollars (\$500,000) within twenty (202) calendar days after service upon Mast and The Limited of a copy of the Final Order.

By direction of the Commission, this Settlement Agreement is provisionally accepted pursuant to 16 CFR 1605.13(d) and shall be placed in the public record, and the Commission shall announce the provisional acceptance of the Settlement Agreement in the Commission's Public Calendar and in the **Federal Register**.

Provisionally accepted and Provisional Order issued on the 16th day of August 2001.

By order of the Commission.

Todd A. Stevenson,

Acting Secretary, Consumer Product Safety Commission

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ending at approximately 6:00 p.m.; and Friday, September 14, 2001, beginning at 8:30 a.m. and ending at approximately 2:00 p.m.

ADDRESSES: The Radisson Barcelo Hotel, 2121 P Street, N.W., the Phillips Ballroom, Washington, D.C. 20037

FOR FURTHER INFORMATION CONTACT: Dr. Brian K. Fitzgerald, Staff Director, Advisory Committee on Student Financial Assistance, Portals Building, 1280 Maryland Avenue, S.W., Suite 601, Washington, D.C. 20202-7582 (202) 708-7439.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student Financial Assistance is established under Section 491 of the Higher Education Act of 1965 as amended by Pub. L. 100-50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the Committee has been charged with providing technical expertise with regard to systems of need analysis and application forms, making recommendations that result in the maintenance of access to postsecondary education for low-and middle-income students; conducting a study of institutional lending in the Stafford Student Loan Program; assisting with activities related to the 1992 reauthorization of the Higher Education Act of 1965; conducting a third-year evaluation of the Ford Federal Direct Loan Program (FDLP) and the Federal Family Education Loan Program (FFELP) under the Omnibus Budget Reconciliation Act (OBRA) of 1993; and assisting Congress with the 1998 reauthorization of the Higher Education Act.

The congressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student assistance programs under Title IV of the Higher Education Act. The Committee traditionally approaches its work from a set of fundamental goals: Promoting program integrity, eliminating or avoiding program complexity, integrating delivery across the Title IV programs, and minimizing burden on students and institutions.

Reauthorization of the Higher Education Act has provided the Advisory Committee with a significantly expanded agenda in six major areas, such as, Performance-based Organization (PBO); Modernization; Technology; Simplification of Law and Regulation; Distance Education; and Early Information and Needs

DEPARTMENT OF EDUCATION

Advisory Committee on Student Financial Assistance; Meeting

AGENCY: Advisory Committee on Student Financial Assistance, Education.

ACTION: Notice of upcoming meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming partially closed meeting of the Advisory Committee on Student Financial Assistance. Individuals who will need accommodations for a disability in order to attend the meeting (i.e., interpreting services, assistive listening devices, and/or materials in alternative format) should notify Ms. Hope M. Gray at 202-708-7439 or via e-mail at hope.gray@ed.gov no later than Wednesday, September 5, 2001. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities. This notice also describes the functions of the Committee. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES AND TIMES: Thursday, September 13, 2001, beginning at 9:00 a.m. and