

Category	Restraint limit <sup>1</sup>
620 .....	1,997,227 square meters.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after April 30, 2003.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,  
James C. Leonard III,  
*Chairman, Committee for the  
Implementation of Textile Agreements.*  
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BILLING CODE 3510-DR-S

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 04-C0001]

### Lifelike Co., d/b/a My Twinn, 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 Flammable Fabrics Act in the **Federal Register** in accordance with the terms of 16 CFR Part 1605. Published below is a provisionally-accepted Settlement Agreement with The Lifelike Company, d/b/a My Twinn, a corporation.

**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 January 7, 2004.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 04-C0001, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:** Dennis C. Kacoyanis, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7587.

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

Dated: December 16, 2003.

**Todd A. Stevenson,**  
*Secretary.*

### Consent Order Agreement

The Lifelike Company, d/b/a My Twinn ("Respondent" "Lifelike"), a corporation, enters into this Consent Order Agreement ("Agreement") with the staff of the Consumer Product Safety Commission ("the staff") pursuant to the procedures set forth in section 1605.13 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Flammable Fabrics Act, 16 CFR part 1605.

This Agreement and Order are for the purpose of settling allegations of the staff that Respondent sold purple satin pajamas made from 100% polyester and rosebud nightgowns made from 100% polyester that failed to comply with the Standards for the Flammability of Children's Sleepwear ("Sleepwear Standards"), 16 CFR parts 1615 and 1616.

### Respondent and the Staff Agree

1. The Consumer Product Safety Commission ("Commission") is an Independent regulatory agency of the United States Government. The Commission has jurisdiction over this matter under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051 *et seq.*, 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.*

2. Respondent is a corporation organized and existing under the laws of the State of Delaware with its principal corporate offices located at 5655 South Yosemite Street, Suite 2121, Greenwood, Village, CO 80111.

3. Respondent is now, and has been engaged in one or more of the following activities: 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 sale or shipment in commerce, children's sleepwear garments that are subject to the Sleepwear Standards.

4. This Agreement is for the purpose of settling the allegations of the accompanying Complaint. This Agreement does not constitute an admission by Respondent that it violated the law. The Agreement becomes effective only upon its final acceptance by the Commission and service of the incorporated Order upon Respondent.

5. The parties agree that this Consent Order Agreement resolves the

allegations of the Complaint and the Commission shall not initiate any civil or administrative action against Respondent for those alleged violations set forth in the Complaint.

6. Upon final acceptance of this Agreement by the Commission and issuance of the Final Order, Respondent knowingly, voluntarily, and completely waives any rights it may have in this matter (a) to an administrative or judicial hearing, (b) to judicial review or other challenge or contest of the validity of the Commission's actions, (c) to a determination by the Commission as to whether Respondent failed to comply with the CPSA, FFA, FTCA, and the underlying regulations, (d) to a statement of findings of fact and conclusions of law, and (e) to any claims under the Equal Access to Justice Act.

7. Upon provisional acceptance of this Agreement by the Commission, this Agreement shall be placed on the public record and shall be published in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1605.13d). If the Commission does not receive any written objections within 15 days, the Agreement will be deemed finally accepted on the 20th day after the date it is published in the **Federal Register**.

8. In settlement of the staff's allegations of the Complaint, Respondent agrees to comply with the attached Order incorporated herein by reference.

9. Upon a violation of the attached Order by Respondent, the Commission reserves the right to take appropriate legal action against Respondent for all violations listed in the Complaint and for all violations occurring after the date of this Agreement and respondent waives the statute of limitations.

10. For any violation occurring after the date of this Agreement, if the Commission finds that Respondent has manufactured for sale, sold, or offered for sale, in commerce, or imported into the United States, or introduced, delivered for introduction, transported or caused to be transported, in commerce, of any product, fabric, or related material which fails to comply with the Sleepwear Standards, Respondent will pay to the Commission upon demand a penalty in the amount of five (5) times the retail value of the product in question. This provision does not preclude the Commission from taking additional action including, but not limited to, civil, administrative, and/or criminal actions under sections 5, 6, and 7 of the FFA, 15 U.S.C. 1194, 1195, and 1196; sections 2 and 21 of the CPSA, 15 U.S.C. 2069 and 2070; and