

*Imauldin@cftc.gov* and refer to OMB Control No. 3038-0025.

#### **SUPPLEMENTARY INFORMATION:**

**Title:** Practice by Former Members and Employees of the Commission (OMB Control No. 3038-0025). This is a request for extension of a currently approved information collection.

**Abstract:** Commission Rule 140.735-6 governs the practice before the Commission of former members and employees of the Commission and is intended to ensure that the Commission is aware of any existing conflict of interest. The rule generally requires former members and employees who are employed or retained to represent any person before the Commission within two years of the termination of their CFTC employment to file a brief written statement with the Commission's Office of General Counsel. The proposed rule was promulgated pursuant to the Commission's rulemaking authority contained in Section 8a(5) of the Commodity Exchange Act, 7 U.S.C. 12a(5) (1994), as amended.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on June 9, 2004 (69 FR 32325-02).

**Burden Statement:** The respondent burden for this collection is estimated to average .10 hours per response to file the brief written statement. This estimate includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** 3.

**Estimated Number of Responses:** 4.5.

**Estimated Total Annual Burden on Respondents:** .10 hours.

**Frequency of Collection:** On occasion.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038-0025 in any correspondence.

John P. Dolan, Office of General Counsel, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581 and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: August 25, 2004.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 04-19860 Filed 8-30-04; 8:45 am]

**BILLING CODE 6351-01-M**

## **CONSUMER PRODUCT SAFETY COMMISSION**

**[CPSC Docket No. 04-C0005]**

### **RRK Holdings, Inc., 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 RRK Holdings, Inc., containing a civil penalty of \$100,000.

**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 15, 2004.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 04-C0005, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:** Michelle Faust Gillice, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7667.

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

Dated: August 25, 2004.

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

### **In the Matter of RRK Holdings, Inc.; Settlement Agreement and Order**

1. RRK Holdings, Inc., (hereinafter "Respondent") formerly known as Roto Zip Tool Corporation (hereinafter "Roto Zip") enters into this Settlement Agreement and Order (hereinafter, "Settlement Agreement" or "Agreement") with the staff of the Consumer Product Safety Commission (the "Commission"), and agrees to the entry of the attached Order incorporated by reference herein. The Settlement Agreement resolves the Commission staff's allegations set forth below.

#### *I. The Parties*

2. The Commission is an independent federal regulatory commission responsible for the enforcement of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. 2051 *et seq.*

3. Respondent, established in September of 1977 as Roto Zip Tool Corporation, is organized and existing under the laws of the State of Wisconsin. Its principal office is located at 4524 Blue Mounds Trail, Black Earth, Wisconsin 53515. On August 1, 2003, Roto Zip sold all of its assets to the Robert Bosch Tool Corporation and subsequently ceased operations. Roto Zip was renamed RRK Holdings, Inc.

#### *II. Staff Allegations*

4. Between 1999 and October 2001, Respondent manufactured and distributed approximately 1.4 million spiral saws under the model names Revolution, Rebel and Solaris. The spiral saws are hand-held power tools with interchangeable spiral bits. The Rebel was manufactured for Respondent by two different companies, SB Power Tools and Scientific Molding Corporation, Ltd. (hereinafter "SMC"). The Revolution and Solaris were manufactured exclusively by SMC.

5. The saws were sold to and/or used by consumers for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise and are, therefore, "consumer products" as defined in section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1). Roto Zip was a "manufacturer" and "distributor" of the spiral saws which were "distributed into commerce" as those terms are defined in sections 3(a)(4), (5), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(4), (5), (11) and (12).

6. Certain Revolution, Rebel and Solaris spiral saws exhibited a loose fit between the handle and the tool body. The loose fit was a result of variations

in the placement of the housing receptacle on the tool body and the length of the mating stud on the handle. The spiral saws are defective because the handle, if loose, could detach from the body of the saw while the saw is in use. The falling saw could cause lacerations and other injuries to consumers.

7. In the fall of 2000, Respondent began receiving notice of saws detaching from the handles. The precise number of detaching incidents in 2000 is not available because Respondent recorded such incidents under the general term "broken handle". Between January 1, 2001 and October 23, 2001 (the date upon which Respondent submitted a full report to the Commission), Respondent had received notice of at least 235 alleged incidents of saws detaching from handles. (This number of incidents is in addition to numerous reports of the handle being too loose).

8. Between the fall of 2000 and October 23, 2001, Respondent received notice of twenty injuries alleged to be due to the saw detaching from the handle while the saw was in use. Several consumers received lacerations requiring sutures to hands and legs, and one report where a consumer allegedly received serious laceration injuries necessitating surgery.

9. In February of 2001, Respondent determined that the handles on Rebel models manufactured by SB Power Tools were too loose and required that SB Power Tools modify the product for a tighter fit. However, Respondent continued to receive complaints about the saw falling off the handles. As a result, Respondent investigated and determined that the location of the receptacle housing in the tool body and the length of the mating stud were not uniform. On March 20, 2001, Respondent made a design change to all three spiral saw models and made changes to quality control to require a visual inspection and a tolerance test of every saw. About the same time, Respondent asked SMC to modify its inventory. By the end of March 2001, Respondent had received 81 spiral saw warranty returns due to the saws detaching.

10. On September 11, 2001, the Commission conducted an establishment inspection of Respondent's headquarters in response to incident reports it had received. Following that inspection, Respondent filed a full report pursuant to section 15(b) of the CPSA on October 23, 2001.

11. By the time Respondent made design changes on March 29, 2001, it had obtained information which

reasonably supported the conclusion that the Revolution, Solaris and Rebel spiral saws contained a defect which could create a substantial product hazard or created and unreasonable risk of serious injury or death, but failed to report such information in a timely manner to the Commission as required by sections 15(b)(2) and (3) of the CPSA, 15 U.S.C. 2064(b)(2), (3).

12. By failing to provide the information to the Commission in a timely manner as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b), Respondent violated 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

13. Respondent committed this failure to report to the Commission "knowingly" as the term "knowingly" is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d), thus, subjecting Respondent to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069.

### III. Response of RRK Holdings, Inc.

15. Respondent denies the staff's allegations in paragraphs 6 through 10 that the spiral saws were defective and that it violated the CPSA as set forth in paragraphs 11 through 13. In settling this matter, Respondent does not admit any fault, liability or statutory or regulatory violation.

### IV. Agreement of the Parties

16. The Consumer Product Safety Commission has jurisdiction over this matter and over Respondent under the consumer Product Safety Act, 15 U.S.C. 2051 *et. seq.*

17. Respondent agrees to be bound by and comply with this Settlement Agreement and Order.

18. This Agreement is entered into for settlement purposes only and does not constitute an admission by Respondent or a determination by the Commission that Respondent knowingly violated the CPSA's reporting requirement.

19. In settlement of the staff's allegations, Respondent agrees to pay a civil penalty of one hundred thousand and 00/100 dollars (\$100,000.00), in full settlement of this matter, and payable within twenty (20) calendar days of receiving service of the final Settlement Agreement and Order.

20. 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 (1) to an administrative hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission as to whether Respondent failed to comply with CPSA and the underlying

regulations, (4) to a statement of findings of fact and conclusions of law and (5) to any claims under the Equal Access to Justice Act.

21. 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 1118.20(e). If the Commission does not receive any written objections within 15 days, the Agreement will be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**.

22. The Commission may publicize the terms of the Settlement Agreement and Order.

23. The Commission's Order in this matter is issued under the provisions of the CPSA, 15 U.S.C. 2051 *et seq.* Violation of this Order may subject Respondent to appropriate legal action.

24. This Settlement Agreement may be used in interpreting the Order. Agreements, understandings, representations, or interpretations apart from those contained in this Settlement Agreement and Order may not be used to vary or contradict its terms.

25. The provisions of this Settlement Agreement and Order shall apply to Respondent and each of its successors and assigns.

Dated: March 19, 2004.

RRK Holdings, Inc.

Robert K. Kopras,  
Chief Executive Officer.

James F. Stern,  
Respondent's Attorney.

Dated: August 25, 2004.

The U.S. Consumer Product Safety  
Commission

Alan H. Schoem,  
Director, Office of Compliance.

Eric L. Stone,  
Director, Legal Division, Office of  
Compliance.

Dated: August 25, 2004.

Michelle Faust Gillice,  
Trial Attorney, Legal Division, Office of  
Compliance.

### In the Matter of RRK Holdings, Inc.; Order

Upon consideration of the Settlement Agreement between Respondent RRK Holdings, Inc. and the staff of the Consumer Product Safety Commission, and the Commission having jurisdiction over the subject matter and over RRK Holdings, Inc., and it appearing that the Settlement Agreement and Order is in the public interest, *it is Ordered* that the Settlement Agreement be, and hereby is, accepted and *it is Further Ordered* that RRK Holdings, Inc. shall pay the United

States Treasury a civil penalty in the amount of one hundred thousand and 00/100 dollars, (\$100,000.00), payable within twenty (20) days of the service of the Final Order upon RRK Holdings, Inc.

Provisionally accepted and Provisional Order issued on the 25th day of August, 2004.

By Order of the Commission.  
Todd A. Stevenson,  
Secretary, Consumer Product Safety  
Commission.

[FR Doc. 04-19783 Filed 8-30-04; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Extension of Currently Approved Collection; Comment Request

**AGENCY:** Office of the Secretary of Defense.

**ACTION:** Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of Economic Adjustment announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by November 1, 2004.

**ADDRESSES:** Written comments and recommendations on the proposed information collection should be sent to the Director, Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202-4704.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal, please write to the above address or call the Director, Office of Economic Adjustment (OEA) at (703) 604-6020.

*Title and OMB Number:* Base Realignment and Closure (BRAC)

Military Base Reuse Status; OMB Number 0790-0003.

*Needs and Uses:* The information collection requirement is necessary to evaluate and measure program performance through civilian job creation and type of redevelopment at former military installations. The respondents to the annual survey (formerly semi-annual) are the single points of contact at the local level responsible for overseeing redevelopment efforts. This data is collected to provide OEA accurate information regarding civilian reuse of former military bases, and thus information on the results of its grant-making. The collected information is incorporated into an Annual Report to Congress.

*Affected Public:* Business or Other For-Profit; Federal Government; State, Local, or Tribal Government.

*Annual Burden Hours:* 75.

*Number of Respondents:* 75.

*Responses Per Respondent:* 1.

*Average Burden Per Response:* 1 hour.

*Frequency:* Annually.

#### SUPPLEMENTARY INFORMATION:

##### Summary of Information Collection

The information collection is used for the Annual Report to Congress as authorized by the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990, Public Law 101-510, 10 USC 2391(c), and Executive Order 12788. The data form asks respondents to provide information for 8 data fields per parcel describing reuse of the base, including new tenants, zoning, leasing, square feet, and number of new jobs.

Dated: August 25, 2004.

**L.M. Bynum,**

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

[FR Doc. 04-19811 Filed 8-30-04; 8:45 am]

BILLING CODE 5001-06-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Submission for OMB Review; Comment Request

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATES:** Consideration will be given to all comments received by September 30, 2004.

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 223, Environment, Conservation and Occupational Safety, and related clauses at DFARS Part 252; OMB Number 0704-0272.

*Type of Request:* Extension.

*Number of Respondents:* 1,518.

*Responses Per Respondent:* 8.89.

*Annual Responses:* 13,507.

*Average Burden Per Response:* 0.70 hours.

*Annual Burden Hours:* 9,448.

*Needs and Uses:* This information collection requires that an offeror or contractor submit information to DoD in response to DFARS solicitation provisions and contract clauses relating to occupational safety. DoD contracting officers use this information to: (1) Verify compliance with requirements for labeling of hazardous materials; (2) ensure contractor compliance and monitor subcontractor compliance with DoD 4145.26-M, DoD Contractors' Safety Manual for Ammunition and Explosives, and minimize risk of mishaps; (3) identify the place of performance of all ammunition and explosives work; and (4) ensure contractor compliance and monitor subcontractor compliance with DoD 5100.76-M, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives.

*Affected Public:* Business or Other for-Profit; Not-for-Profit Institutions.

*Frequency:* On Occasion.

*Respondent's Obligation:* Required To Obtain or Retain Benefits.

*OMB Desk Officer:* Ms. Jacqueline Zeiher.

Written comments and recommendations on the proposed information collection should be sent to Ms. Zeiher at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

*DOD Clearance Officer:* Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/ESCD/Information Management Division, 1225 South Clark Street, Suite 504, Arlington, VA 22202-4326.

Dated: August 25, 2004.

**L.M. Bynum,**

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

[FR Doc. 04-19812 Filed 8-30-04; 8:45 am]

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