

report, which documented the fire investigator's simulated test of the compressor, until January 20, 2006. TAP did not have sufficient information to reasonably support the conclusion that it should file a section 15(b) report until January 20, 2006.

17. TAP enters into this Settlement Agreement and Order to avoid incurring additional legal costs and expenses. In settling this matter, TAP does not admit any fault, liability, or statutory or regulatory violation, and this Settlement Agreement and Order do not constitute and are not evidence of any fault or wrongdoing on the part of TAP.

#### IV. Agreement of the Parties

18. The Commission has jurisdiction over this matter and over TAP under the Consumer Product Safety Act, 15 U.S.C. 2051–2084.

19. In settlement of the staff's allegations, TAP agrees to pay a civil penalty in the amount of \$100,000.00 as set forth in the attached incorporated Order.

20. The parties enter this Settlement Agreement for settlement purposes only. The Settlement Agreement does not constitute an admission by TAP or a determination by the Commission that TAP violated the CPSA's reporting requirements in accordance with 16 CFR 1118.20(f).

21. Upon provisional acceptance of this Settlement Agreement by the Commission, the Commission shall place this Agreement and Order on the public record and shall publish it in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e). Unless the Commission receives a written request not to accept the Settlement Agreement and Order within 15 calendar days, the Agreement will be deemed finally accepted on the 16th calendar day after the date it is published in the **Federal Register** in accordance with 16 CFR 1118.20(f).

22. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, TAP knowingly, voluntarily, and completely waives any rights it may have in this matter to the following: (i) An administrative or judicial hearing; (ii) judicial review or other challenge or contest of the validity of the Commission's actions; (iii) a determination by the Commission as to whether TAP failed to comply with the CPSA and the underlying regulations; (iv) a statement of findings of fact or conclusions of law; and (v) any claims under the Equal Access to Justice Act.

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

24. This Settlement Agreement and Order shall apply to, and be binding upon TAP and each of its successors and assigns.

25. The Commission's Order in this matter is issued under the provisions of the CPSA, 15 U.S.C. 2051–2084, and a violation of this Order may subject TAP to appropriate legal action.

26. This Settlement Agreement may be used in interpreting the Order. Agreements, understandings, representations, or interpretations made outside of this Settlement Agreement and Order may not be used to vary or contradict its terms.

27. This Settlement Agreement shall not be waived, changed, amended, modified, or otherwise altered without written agreement thereto executed by TAP and approved by the Commission.

28. If after the effective date hereof, any provision of this Settlement Agreement and Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Settlement Agreement and Order, such provisions shall be fully severable. The rest of Settlement Agreement and Order shall remain in full effect, unless the Commission and TAP jointly determine that severing the provision materially changes the purpose of the Settlement Agreement and Order.

TAP Enterprises, Inc.  
d/b/a Cummins Industrial Tools.

Dated: September 6, 2007.

Christopher K. Lyon,  
Vice President, TAP Enterprises, Inc., d/b/a/  
Cummins Industrial Tools, 650 North  
Lincoln, Spring Hill, KS 66083.

Dated: September 14, 2007.

Jill M. Zucker, Esquire,  
Bryan Cave, LLP,  
Attorney for TAP Enterprises, Inc., d/b/a  
Cummins Industrial Tools, 700 Thirteenth  
Street, NW., Washington, DC 20005–3906.

Consumer Product Safety Commission.

John Gibson Mullan,  
Assistant Executive Director, Office of  
Compliance and Field Operations,  
Consumer Product Safety Commission,  
4330 East West Highway, Bethesda, MD  
20814.

Ronald G. Yelenik,  
Acting Director, Legal Division, Office of  
Compliance and Field Operations.

Dated: September 17, 2007.

Dennis C. Kacoyanis,  
Trial Attorney, Legal Division, Office of  
Compliance and Field Operations.

#### Order

Upon consideration of the Settlement Agreement entered into between TAP Enterprises, Inc., d/b/a Cummins Industrial Tools ("TAP") and the staff of the Consumer Product Safety

Commission ("the Commission"); and the Commission having jurisdiction over the subject matter and TAP; 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 TAP shall pay a civil penalty of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) to the United States Treasury in four installments as follows: TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) shall be paid within twenty (20) calendar days of service of the Final Order upon TAP; TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) shall be paid within 180 days of service of the Final Order upon TAP; TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) shall be paid within 270 days of service of the Final Order upon TAP; and TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) shall be paid within 365 days of service of the Final Order upon TAP. Upon the failure of TAP to make any of the foregoing payments when due, the entire amount of the civil penalty shall become due and payable, and interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. 1961(a) and (b).

Provisionally accepted and provisional Order issued on the 15th day of October, 2007.

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

[FR Doc. 07–5152 Filed 10–18–07; 8:45 am]

BILLING CODE 6355–01–M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal Nos. 08–03]

### 36(b)(1) Arms Sales Notification

**AGENCY:** Department of Defense, Defense Security Cooperation Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 08-03 with attached transmittal, policy

justification, and Sensitivity of Technology.

Dated: October 11, 2007.

**L.M. Bynum,**

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

**BILLING CODE 5001-06-M**



## DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

OCT 04 2007

In reply refer to:  
I-07/007895-CFM

**The Honorable Nancy Pelosi  
Speaker of the House of Representatives  
Washington, DC 20515-6501**

**Dear Madam Speaker:**

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 08-03, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services estimated to cost \$631 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

A handwritten signature in cursive script, reading "Richard J. Millies", is positioned above the typed name.

Richard J. Millies  
Deputy Director

**Enclosures:**

- 1. Transmittal**
- 2. Policy Justification**
- 3. Sensitivity of Technology**

## Transmittal No. 08-03

Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control Act, as amended

- (i) **Prospective Purchaser:** Saudi Arabia
- (ii) **Total Estimated Value:**
- |                          |                      |
|--------------------------|----------------------|
| Major Defense Equipment* | \$388 million        |
| Other                    | <u>\$243 million</u> |
| TOTAL                    | \$631 million        |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:**
- |     |  |
|-----|--|
| 37  | Light Armored Vehicles - Assault Gun (LAV-AG)                |
| 26  | LAV-25 mm  |
| 48  | LAV Personnel Carriers                                       |
| 5   | Reconnaissance LAVs  |
| 5   | LAV Ambulances   |
| 3   | LAV Recovery Vehicles  |
| 25  | M1165A1 High Mobility Multi-purpose Wheeled Vehicles (HMMWV) |
| 25  | M1165A1 HMMWV with winch                                     |
| 124 | M240 7.62mm Machine Guns                                     |
| 525 | AN/PVS-7D Night Vision Goggles (NVGs);                       |
- various M978A2 and M984A2 Heavy Expanded Mobility Tactical Trucks, family of Medium Tactical Vehicles, 120mm Mortar Towed, M242 25mm guns, spare and repair parts; sets, kits, and outfits; support equipment; publications and technical data; personnel training and training equipment; contractor engineering and technical support services and other related elements of logistics support.
- (iv) **Military Department:** Army (VTD)
- (v) **Prior Related Cases, if any:** numerous cases dating back to 1993
- (vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none
- (vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached
- (viii) **Date Report Delivered to Congress:** OCT 04 2007

\* as defined in Section 47(6) of the Arms Export Control Act.

**POLICY JUSTIFICATION****Saudi Arabia – Light Armored Vehicles and High Mobility Multi-purpose Wheeled Vehicles**

The Government of Saudi Arabia has requested a possible sale for

- 37 Light Armored Vehicles - Assault Gun (LAV-AG)
- 26 LAV-25 mm
- 48 LAV Personnel Carriers
- 5 Reconnaissance LAVs
- 5 LAV Ambulances
- 3 LAV Recovery Vehicles
- 25 M1165A1 High Mobility Multi-purpose Wheeled Vehicles (HMMWV)
- 25 M1165A1 HMMWV with winch
- 124 M240 7.62mm Machine Guns
- 525 AN/PVS-7D Night Vision Goggles (NVGs);

various M978A2 and M984A2 Heavy Expanded Mobility Tactical Trucks, family of Medium Tactical Vehicles, 120mm Mortar Towed, M242 25mm guns, spare and repair parts; sets, kits, and outfits; support equipment; publications and technical data; personnel training and training equipment; contractor engineering and technical support services and other related elements of logistics support. The estimated cost is \$631 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale of Light Armored Vehicles will provide a highly mobile, light combat vehicle capability enabling Saudi Arabia to rapidly identify, engage, and defeat perimeter security threats and readily employ counter and anti-terrorism measures. The vehicles will enhance the stability and security operations for boundaries and territorial areas encompassing the Arabian Peninsula.

The proposed sale of this equipment and support will not affect the basic military balance in the region. Saudi Arabia is capable of absorbing and maintaining this additional MDE in its inventory. The Light Armored Vehicle is the primary combat vehicle of the Saudi Arabian National Guard (SANG). This proposed procurement by the Royal Saudi land forces will promote interoperability between the SANG and Ministry of Defense and Aviation.

The prime contractor is General Dynamics Land Systems of Sterling Heights, Michigan. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

## Transmittal No. 08-03

**Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control Act**

**Annex  
Item No. vii**

**(vii) Sensitivity of Technology:**

**1. The Light Armored Vehicle (LAV) and all associated documentation are unclassified. Sensitive technologies to include the Improved Thermal Sight System (ITSS) and Drivers Vision Enhancer (DVE) are subsystems integral to the LAV-25 mission role variant. The DVE is integral to the other nine mission role variants as well.**

**2. The night vision device (NVD) proposed for sale is the AN/PVS-7D Night Vision Goggles. These NVDs will be reviewed in compliance with Golden Sentry requirements during all United States reviews.**

**3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.**

[FR Doc. 07-5112 Filed 10-18-07; 8:45 am]  
BILLING CODE 5001-06-C

**DEPARTMENT OF DEFENSE****Office of the Secretary**

**Membership of the Defense Contract  
Audit Agency Senior Executive Service  
Performance Review Boards**

**AGENCY:** Defense Contract Audit Agency.

**ACTION:** Notice of membership of the Defense Contract Audit Agency Senior Executive Service Performance Review Boards.

**SUMMARY:** This notice announces the appointment of members to the Defense Contract Audit Agency (DCAA) Performance Review Boards. The Performance Review Boards provide fair and impartial review of Senior Executive Service (SES) performance appraisals and make recommendations to the Director, Defense Contract Audit Agency, regarding final performance ratings and performance awards for DCAA SES members.

**DATES:** *Effective Date:* Upon publication of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Donna Riney, Chief, Human Resources Management Division, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, Virginia 22060-6219, (703) 767-1236.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 4314(c)(4), the following are the names and titles of DCAA career executives appointed to serve as members of the DCAA Performance Review Boards.

Appointees will serve one-year terms, effective upon publication of this notice.  
*Headquarters Performance Review Board:*

Mr. Joseph Garcia, Assistant Director, Operations, DCAA, chairperson.

Mr. Ken Saccoccia, Assistant Director, Policy and Plans, DCAA, member.

Mr. John Farenish, General Counsel, DCAA, member.

*Regional Performance Review Board:*

Mr. Francis Summers, Regional Director, Mid-Atlantic Region, DCAA, chairperson.

Mr. Christopher Andrezze, Regional Director, Western Region, DCAA, member.

Mr. Ed Nelson, Regional Director, Northeastern Region, member.

Dated: October 15, 2007.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, DoD.*

[FR Doc. 07-5165 Filed 10-18-07; 8:45 am]

BILLING CODE 5001-06-M

**DEPARTMENT OF EDUCATION**

**Submission for OMB Review;  
Comment Request**

**AGENCY:** Department of Education.

**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before November 19, 2007.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or via fax to (202) 395-6974. Commenters should include the following subject line in their response "Comment: [insert OMB number], [insert abbreviated collection name, e.g., "Upward Bound Evaluation"]". Persons submitting comments electronically should not submit paper copies.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the