

the CPSA, 15 U.S.C. 2069, Respondent is subject to civil penalties.

#### Response of Rose Art

11. Rose Art denies the allegations of the staff that the Kits contain a defect which could create a substantial product hazard, or create an unreasonable risk of serious injury or death, and denies that it violated the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b). Respondent also denies that the products when maintained and used properly create a substantial product hazard or an unreasonable risk of serious injury or death under section 15(b) of the CPSA, 15 U.S.C. 2064(b). Respondent asserts that it did not "knowingly" violate any reporting requirements under the CPSA. Respondent further asserts that any injury associated with the use of its products was attributable to unreasonable consumer misuse of the products contrary to instructions and without adequate adult supervision.

12. Notwithstanding its denial that the Kits contain a defect which could create a substantial product hazard, or create an unreasonable risk of serious injury or death, Respondent nevertheless, cooperated with the staff in recalling the products.

#### Agreement of The Parties

13. The Commission has jurisdiction over this matter and over Rose Art Under the CPSA, 15 U.S.C. 2051–2084.

14. In settlement of the staff's allegations, Rose Art agrees to pay a civil penalty of three hundred thousand dollars (\$300,000.00) in two installments. The first installment of one hundred fifty thousand dollars (\$150,000.00) shall be paid within twenty (20) calendar days of service of the Final Order of the Commission accepting this Settlement Agreement. The second installment of one hundred fifty thousand dollars (\$150,000.00) shall be paid on or before January 31, 2006. These payments shall be made by check payable to the order of the United States Treasury.

15. The parties enter into this Settlement Agreement for settlement purposes only. The Settlement Agreement does not constitute an admission by Rose Art, or a determination by the Commission that Rose Art has violated the CPSA's reporting requirements.

16. Upon provisional acceptance of this Settlement Agreement and Order 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 he

procedure set forth in 16 C.F.R. 1118.20(e). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Agreement and Order shall be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**

17. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, Rose Art 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 Respondent failed to comply with the CPSA and its underlying regulations; (iv) a statement of findings of fact and conclusions of law; and (v) any claims under the Equal Access to Justice Act.

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

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

20. 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 the Order may subject Respondent to appropriate legal action.

21. 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 to contradict its terms.

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

23. 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 shall remain in full effect, unless the Commission and Respondent determine that severing the provision materially impacts the purpose of the Settlement Agreement and Order.

Rose Art Industries, Inc.  
Dated: April 25, 2005  
Jeffrey Rosen,  
*Chief Operating Officer, Rose Art Industries, Inc., 6 Regent Street, Livingston, NJ 07039.*  
Frederick B. Locker, Esq.,

*Locker, Brainin & Greenberg, 420 Fifth Avenue, New York, NY 10018, Counsel for Rose Art Industries, Inc.*

U.S. Consumer Product Safety  
Commission.

John Gibson Mullan,  
*Director, Office of Compliance.*

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

Dated: April 27, 2005.

Ronald G. Yelenik,  
*Senior Attorney, M. Reza Malihi, Trial Attorney, Legal Division, Office of Compliance.*

#### Order

Upon consideration of the Settlement Agreement entered into between Rose Art Industries, Inc. ("Rose Art") and the staff of the U.S. Consumer Product Safety Commission (the "Commission"), and the Commission having jurisdiction over the subject matter and over Rose Art, and it appearing that the Settlement Agreement is in the public interest, it is *Ordered*, that the Settlement Agreement be, and hereby is, accepted; and it is

*Further Ordered*, that Rose Art shall pay a civil penalty of three hundred thousand dollars (\$300,000.00) in two installments. The first installment of one hundred fifty thousand dollars (\$150,000.00) shall be paid within twenty (20) calendar days of service of the Final Order of the Commission accepting the Settlement Agreement. The second installment of one hundred fifty thousand dollars (\$150,000.00) shall be paid on or before January 31, 2006. These payments shall be made by check payable to the order of the United States Treasury. Upon the failure of Rose Art to make a payment or upon the making of a late payment, (i) the entire amount of the civil penalty shall become due and payable, and (ii) 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 30th day of June, 2005.

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

[FR Doc. 05–13288 Filed 7–5–05; 8:45 am]

BILLING CODE 6355–01–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 August 5, 2005.

*Title and OMB Number:* Commissary Evaluation and Utility Surveys—Generic; OMB Number 0704–0407.

*Type of Request:* Extension.

*Number of Respondents:* 6,633.

*Responses Per Respondent:* 1.

*Annual Responses:* 6,633.

*Average Burden Per Response:* 1.34 minutes (average).

*Annual Burden Hours:* 148.

*Needs and Uses:* The Defense Commissary Agency (DeCA) will conduct a variety of one-time surveys to include customer satisfaction and preference surveys on various services and processes within the commissary system. The survey population will include, but is not limited to, persons eligible to use the commissary throughout the world. The information collected will be used to support or assess: (1) Commissary renovation and new construction, (2) commissary site decisions, (3) impact to commissaries that are near a closing commissary or a commissary that is undergoing some other kind of transformation, (4) processes within the commissaries, (5) commissary patrons perception of savings compared to local commercial supermarkets, and (6) demographic mark-up of commissary users.

*Affected Public:* Individuals or households; business or other for-profit.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

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

*DOD Clearance Officer:* Ms. Patricia Toppings. Written requests for copies of the information collection proposal should be sent to Ms. Toppings, WHS/ESD/Information Management Division, 1225 South Clark Street, Suite 504, Arlington, VA 22202–4326.

Dated: June 27, 2005.

**Patricia L. Toppings,**

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

[FR Doc. 05–13191 Filed 7–5–05; 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 August 5, 2005.

*Title, Form, and OMB Number:* Application for Uniformed Services Identification Card—DEERS Enrollment; DD Form 1172; OMB Number 0704–0020.

*Type of Request:* Revision.

*Number of Respondents:* 1,146,898.

*Responses Per Respondent:* 1.

*Annual Responses:* 1,146,898.

*Average Burden Per Response:* 5 minutes.

*Annual Burden Hours:* 95,575.

*Needs and Uses:* This information collection requirement is needed to obtain the necessary information to authorize members of the Uniformed Services, their spouses and dependents, and other authorized individuals certain benefits and privileges. These privileges include health care, use of commissary, base exchange, and morale, welfare, and recreation facilities. This information collection is needed to obtain the necessary data to determine eligibility, to provide eligible individuals with an identification care for benefits and privileges administered by the Uniformed Services, and maintain a centralized database of eligible individuals.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to obtain or retain benefits.

*OMB Desk Officer:* Mr. Lewis Oleinick.

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

*DOD Clearance Officer:* Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings, WHS/ESD/Information Management Division, 1225 South Clark Street, Suite 504, Arlington, VA 22202–4326.

Dated: June 27, 2005.

**Patricia L. Toppings,**

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

[FR Doc. 05–13192 Filed 7–5–05; 8:45 am]

**BILLING CODE 5001–06–M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### New Collection; Comment Request

**AGENCY:** Office of the Assistant Secretary of Defense for Health Affairs, DoD.

**ACTION:** Notice.

In accordance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense (Health Affairs) announces the new collection of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the new 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 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 September 6, 2005.

**ADDRESSES:** Written comments and recommendations on the information collection will be sent to Office of the Assistant Secretary of Defense (Health Affairs) TRICARE Management Activity, Contracting Office, 16401 East Centretech Parkway, Aurora Colorado 80011–9088—Attn: Mr. Bruce Mitterer or Mr. Marty Blomberg.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection, please write to the above address or contact one of the following: Mr. Bruce Mitterer, TRICARE Management Activity, Contracting Officer, or Mr. Marty Blomberg, 16401 East Centretech Parkway, Aurora, Colorado 80011–9088, 1–303–676–3575.

*Title; Associated Form; and OMB Number:* TRIWEST/TRICARE Provider Satisfaction Survey.

*Needs and Uses:* The data will be used to improve the services and