

provided for applications submitted under the regular review procedures.

Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address, by phone at (202) 418-5100, or via the internet on the CFTC website at [www.cftc.gov](http://www.cftc.gov) under "What's Pending".

Other materials submitted by the CBT in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CBT, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on October 29, 1997.

**John R. Mielke,**  
Acting Director.

[FR Doc. 97-29134 Filed 11-3-97; 8:45 am]

BILLING CODE 6351-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 98-1]

### Black & Decker Corporation; Complaint

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Publication of a complaint under the Consumer Product Safety Act.

**SUMMARY:** Under Provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR part 1025), the Consumer Product Safety Commission must publish in the **Federal Register** complaints which it issues. Published below is a complaint in the matter of Black & Decker Corporation.

**SUPPLEMENTARY INFORMATION:** The text of the Complaint appears below.

Dated: October 29, 1997.

**Sadye E. Dunn,**  
Secretary.

[CPSC Docket No. 98-1]

### In the Matter of Black & Decker Co.; Complaint

#### Nature of Proceedings

1. This is an administrative proceeding pursuant to Section 15 of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064, for public notification and remedial action to protect the public from substantial risks of injury presented by a toaster. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission, 16 C.F.R. part 1025.

#### Jurisdiction

2. This proceeding is instituted pursuant to the authority contained in sections 15 (c), (d), and (f) of the CPSA, 15 U.S.C. §§ 2064 (c), (d), and (f).

#### Parties

3. Complaint Counsel is the staff of the Division of Administrative Litigation of the Office of Compliance of the U.S. Consumer Product Safety Commission, an independent regulatory commission established by Section 4 of the CPSA, 15 U.S.C. § 2053.

4. Respondent Black & Decker Corporation is a Maryland corporation with its principal place of business located at 701 E. Joppa Road, Baltimore, Maryland 21286-5559.

5. Black & Decker is a "manufacturer" of consumer products as that term is defined in the CPSA, 15 U.S.C. § 2052(a)(4).

#### The Consumer Product

6. The Black & Decker Spacemaker Optima Toaster, Model T1000, Type 1 ("Spacemaker Toaster") is a toaster designed, produced and distributed specifically to be installed directly under kitchen cabinets and is a consumer product. 15 U.S.C. § 2052.

#### Substantial Risks of Injury

7. Paragraphs 1 through 6 are hereby realleged.

8. The Spacemaker Toaster is designed to be mounted underneath kitchen cabinets. There is a glass door on the front of the toaster. The consumer inserts the food item in the front of the toaster, horizontally, onto a rack.

9. An electronic timer in the Spacemaker Toaster with thermal compensation controls the temperature.

10. When a toasting cycle is complete, a glass door on the front of the Spacemaker Toaster automatically opens and the rack containing the food item extends out—also automatically—approximately 1½ inches.

11. The Spacemaker Toaster sets food items on fire because the electronic timer does not adequately control temperature within the product.

12. If food items ignite, the Spacemaker Toaster releases the flames at the end of the toasting cycle when the glass door automatically opens and the rack containing the burning food automatically extends.

13. The features of the Spacemaker Toaster set forth in paragraphs 9 through 11 above constitute design defects under 15 U.S.C. § 2064.

14. When the Spacemaker Toaster releases flames, the flames may impinge directly on the kitchen cabinets and combustibles in the cabinet, igniting the cabinet and/or its contents. The fires may spread, exposing consumers to the risk of bodily injury or death by burning or smoke inhalation.

15. All of the approximately 224,000 Spacemaker Toasters purchased by the public carry the risk of severe injury or death because all units are of the same design.

16. The defects in the Spacemaker Toasters create a substantial risk of injury to consumers within the meaning of Section 15(a)(2) of the CPSA, 15 U.S.C. § 2064(a)(2).

17. The Spacemaker Toaster presents a substantial product hazard as described in sections 15(a)(2), (c) and (d) of the CPSA, 15 U.S.C. §§ 2064 (a)(2), (c) and (d).

#### Relief Sought

Wherefore, in the public interest, Complaint Counsel requests that the Commission:

A. Determine that Respondent's Spacemaker Toasters present a "substantial product hazard" within the meaning of section 15 (a)(2) of the CPSA, 15 U.S.C. § 2064(a)(2).

B. Determine that public notification under section 15(c) of the CPSA, 15 U.S.C. § 2064(c) is required to protect the public adequately from the substantial product hazard presented by the T1000 Toasters which have been distributed and order that the Respondent:

(1) Give prompt public notice that the Spacemaker Toaster presents a fire hazard to consumers and of the remedies available to remove the risk of injury;

(2) Mail notice to each person who is or has been a distributor or retailer of the Spacemaker Toaster;

(3) Mail notice to every person to whom Respondent knows the Spacemaker Toaster was delivered or sold; and

(4) Include in the notice required by (1), (2) and (3) above a complete description of the hazard presented, a warning to stop using the Spacemaker Toaster immediately; and clear instructions for returning the Spacemaker Toasters to Respondent. The form and content of the notice will be specified by the Commission.

C. Determine that action under section 15(d) of the CPSA, 15 U.S.C. § 2064(d), is in the public interest and order Respondent:

(1) To cease manufacturing for sale, offering for sale, and distributing in commerce Spacemaker Toasters;

(2) To elect to repair all Spacemaker Toasters so they will not create a fire hazard; to replace all Spacemaker Toasters with a like or equivalent product which will not create a fire hazard; or to refund to consumers the purchase price of the Spacemaker Toasters;

(3) To make no charge to consumers and to reimburse them for any foreseeable expenses incurred in availing themselves of any remedy provided under any order issued in this matter;

(4) To reimburse distributors and dealers for expenses in connection with carrying out any Commission Order issued in this matter;

(5) To submit a plan satisfactory to the Commission, within ten (10) days of service of the final Order, directing that actions specified in paragraphs C(1) through C(4) above be taken in a timely manner;

(6) To keep records of its actions taken to comply with paragraphs C(1) through C(5) above; and to supply these records to the Commission for a period of three (3) years after entry of a Final Order issued by the Commission requiring notice and remedial action, for the purpose of monitoring compliance with the Final Order;

(7) To notify the Commission at least 60 days prior to any change in their business (such as incorporation, dissolution, assignment, sale, or petition for bankruptcy) that results in, or is intended to result in, the emergence of successor ownership, the creation or dissolution of subsidiaries, going out of business, or any other change that might affect;

(8) To take such other and further actions as the Commission deems necessary to protect the public health and safety and to comply with the CPSA.

Issued by Order of the Commission.

Dated: October 29, 1997.

**Alan H. Schoem,**

*Assistant Executive Director, Office of Compliance.*

**Eric Stone,**

*Director, Division of Administrative Litigation, Office of Compliance.*

**William J. Moore, Jr.,**

*Complaint Counsel, Division of Administrative Litigation, Office of Compliance.*

**Deborah J. Lewis,**

*Complaint Counsel, Division of Administrative Litigation, Office of Compliance.*

### **List and Summary of Documentary Evidence Supporting the Complaint**

Pursuant to 16 CFR 1025.11(b)(3) of the Commission's Rules of Practice for Adjudicative Proceedings, the following is a list and summary of documentary evidence supporting the Complaint in this matter. Complaint Counsel reserves the right to offer additional evidence during the course of the proceedings.

1. A photograph of a Spacemaker Optima Horizontal Toaster, Model T1000, Type 1.

2. A Consumer Product Safety Commission (CPSC) report dated September 21, 1995, by Terry Van Houten, Division of Human Factors. This report analyzes how consumers may engage in normal use of the Spacemaker Toaster in a manner that increases the risk of fire.

3. CPSC memorandum dated January 23, 1997 from Julie Ayers, Electrical Engineer, Office of Hazard Identification and Reduction to Renae Rauchschalbe, Office of Corrective Actions. This memorandum explains the fire hazard posed by the Spacemaker Toaster.

4. Photographs and videotape of testing conducted by CPSC Office of Hazard Identification and Reduction on April 9, 1997. These tests show that the spread of a fire originating from food in a Spacemaker Toaster mounted underneath an open kitchen cabinet can result in a catastrophic household fire.

5. Photographs of testing conducted by CPSC Office of Hazard Identification and Reduction on June 18, 1997. These tests show that the spread of a fire originating from food in a Spacemaker Toaster mounted underneath a closed kitchen cabinet can result in a catastrophic household fire.

[FR Doc. 97-29156 Filed 11-3-97; 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).

*Title, Associated Form, and OMB Number:* Request for Family Member Educational Information; AF Form 1466A; OMB Number 0701-0122.

*Type of Request:* Reinstatement.

*Number of Respondents:* 31,656.

*Responses Per Respondent:* 1.

*Annual Responses:* 31,656.

*average Burden Per Response:* 15 minutes.

*Annual Burden Hours:* 7,914.

*Needs and Uses:* The information collection requirement is necessary to evaluate family members' needs for special medical or educational services; to assist in making CONUS/OCONUS assignment recommendations; and to code and re-enroll eligible family members into the Exceptional Family Member Program. Respondents are dependents and students who may require medical or education services. Information is collected prior to new assignments. Data is needed to ensure proper medical and educational needs are available at new assignments.

*Affected Public:* Individuals or Households.

*Frequency:* On occasion.

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

*OMB Desk Officer:* Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer 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/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: October 29, 1997.

**Patricia L. Toppings,**

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

[FR Doc. 97-29068 Filed 11-3-97; 8:45 am]

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