

separate Public Notice (PN).⁷ There were 14 comments filed in response to the NOI and 16 comments and 9 reply comments filed in response to the PN.⁸ In addition, the public comments were reviewed by the Commerce Spectrum Management Advisory Committee (CSMAC), which was established as part of the Presidential Spectrum Policy Initiative to advise the Assistant Secretary of Communications and Information, Department of Commerce, on needed reforms to spectrum policies and management to enable the introduction of new spectrum dependent technologies and services.⁹ NTIA also sought comments from the Interdepartment Radio Advisory Committee (IRAC).¹⁰ The public responses to the NTIA NOI and FCC PN as well as the comments provided by the CSMAC and the IRAC were used to develop the federal portion of the Test-Bed described below.

II. Test-Bed Description

Test-Bed Goal: To objectively evaluate new technologies to facilitate sharing between federal and non-federal spectrum users. If sharing is successfully demonstrated, the results of the Test-Bed can be used as the basis to establish service rules for the technologies that have operated in the Test-Bed frequency bands.¹¹

Number of Simultaneously Operating Test-Beds: One.

Test-Bed Technology: Equipment employing Dynamic Spectrum Access (DSA) technology.¹²

⁷ Federal Communications Commission, ET Docket No. 06-89, FCC 06-77, Creation of a Spectrum Sharing Innovation Test-Bed, 71 FR 35675 (June 21, 2006).

⁸ The complete public comments filed in response to the NOI are available at <http://www.ntia.doc.gov>. The complete public comments and reply comments filed in response to the PN are available on the FCC Electronic Comment Filing System (ET Docket No. 06-89).

⁹ Commerce Spectrum Management Advisory Committee Report: Opportunities Relating to the Spectrum Sharing Test Bed, available at http://www.ntia.doc.gov/osmhome/reports/2007/CSMAC_TestBed_Report.pdf.

¹⁰ The IRAC, consisting of representatives of 20 federal agencies, serves in an advisory capacity to the Assistant Secretary of Commerce for Communications and Information. The IRAC assists the Assistant Secretary in the discharge of responsibilities pertaining to the use of the electromagnetic spectrum.

¹¹ The subsequent designation of bands where the technologies might be authorized to operate on a permanent basis would be the subject of a separate rulemaking.

¹² Dynamic Spectrum Access technology allows a radio device to (i) evaluate its radio frequency environment using spectrum sensing, geo-location, or a combination of spectrum sensing and geo-location techniques, (ii) determine which frequencies are available for use on a non-interference basis, and (iii) reconfigure itself to operate on the identified frequencies.

Test-Bed Frequency Band: 410-420 MHz.

Authorization of Test-Bed Operations: FCC Part 5 Experimental Radio Service Rules.

Limitations on Test-Bed Operations: Frequency and/or geographic limitations may be identified as necessary.

Protection of Incumbent Spectrum Users: To address potential interference to incumbent spectrum users the Test-Bed employing DSA equipment will be performed in three phases:

Phase 1 - Equipment Characterization. Equipment employing DSA techniques will be sent to the NTIA Institute for Telecommunication Sciences in Boulder, Colorado and characterization measurements of the DSA capabilities in response to simulated environmental signals will be performed.

Phase 2 - Evaluation of Capabilities. After successful completion of Phase 1, the DSA capabilities of the equipment in the geographic area of the Test-Bed will be evaluated.

Phase 3 - Field Operation Evaluation. After successful completion of Phase 2, the DSA equipment will be permitted to transmit in an actual radio frequency signal environment. An automatic signal logging capability will be used during the operation of the Test-Bed to help resolve interference events if they occur. A point-of-contact will also be established to stop Test-Bed operations if interference is reported.

Planning and Evaluation of Test-Bed: A flexible peer review process open to the public will be employed.¹³ Federal and non-federal users will have an opportunity to participate in the development of test plans, review status reports, and review the final report on the results of the Test-Bed.

III. Expressions of Interest

The following criteria will be used to evaluate the DSA technologies proposed for the Test-Bed:¹⁴

How well does the proposed technology achieve the goal of the Test-Bed?

How readily available is the equipment proposed for the Test-Bed?

How well does the proposed technology explore creative and original concepts in spectrum sharing?

¹³ There may be certain limitations on the peer review process to take into account the proprietary rights of the developers participating in the Test-Bed. As part of the Test-Bed, NTIA may enter into Cooperative Research and Development Agreements or Joint Project Agreements with the equipment developers.

¹⁴ The NTIA NOI proposed these criteria to evaluate the Test-Bed technologies and they are adopted as evaluation criteria herein.

For the proposed technology, can the results of the Test-Bed be disseminated broadly to enhance scientific and technologic understanding?

How well does the proposed technology address the potential impact on the incumbent spectrum user(s)?

Can the proposed technology be adapted for a variety of services and applications, including broadband, military/homeland security, and public safety?

Are there any technical factors that limit the proposed technology to a specific frequency range?

Will the necessary technical support be provided to assure performance of the equipment during the Test-Bed?

On or before February 29, 2008, interested parties wishing to participate in the Test-Bed should submit to the address set forth above, their name, address, phone number, e-mail address and a short description of the DSA technology. After receiving all submissions, NTIA may contact any party that submitted an expression of interest to follow-up on how its DSA technology would meet the above evaluation criteria. NTIA will send via U.S. mail a letter to the selected Test-Bed participants. NTIA will also publish a list of all Test-Bed participants on its website.

Dated: January 30, 2008.

Kathy D. Smith,
Chief Counsel, National Telecommunications and Information Administration.

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COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 21 February 2008, at 10 a.m. in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001-2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: <http://www.cfa.gov>. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address, or call 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10

days before the meeting date. Dated in Washington DC, 29 January 2008.

Thomas Luebke,
AIA, Secretary.

[FR Doc. 08-482 Filed 2-4-08; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

[CPCSC Docket No. 08-C0003]

Vornado Liquidating Trust for and on Behalf of Vornado Air Circulation Systems, Inc., a Trust, 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 is provisionally accepts under the Consumer Product Safety Act in the *Federal Register* in accordance with the terms of 16 CFR 1118.20(e0). Published below is a provisionally-accepted Settlement Agreement with Vornado Liquidating Trust for and on behalf of Vornado Air Circulation Systems, Inc., a Trust, containing a civil penalty of \$500,000.

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 February 20, 2008.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 08-C0003, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 502, Bethesda, Maryland 20814-4408.

FOR FURTHER INFORMATION CONTACT: Ronald G. Yelnik, Trial Attorney, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408; telephone (301) 504-7582.

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

Dated: January 30, 2008.

Todd A. Stevenson,
Secretary.

United States of America Consumer Product Safety Commission, CPSC Docket No. 08-C0003

In the Matter of Vornado Liquidating Trust for and on Behalf of Vornado Air Circulation Systems, Inc. a Trust

Settlement Agreement and Order

1. This Settlement Agreement is made by and between the staff (the “*staff*”) of the U.S. Consumer Product Safety Commission (the “*Commission*”) and the Vornado Liquidating Trust, a trust acting for and on behalf of Vornado Air Circulation Systems, Inc., a dissolved Kansas corporation, and established for the sole benefit of the corporation’s shareholders, in accordance with 16 CFR 1118.20 of the Commission’s Procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act (“*CPSA*”). This Settlement Agreement and the incorporated attached Order resolve the staff’s allegations set forth below.

The Parties

2. The Commission is an independent federal regulatory agency responsible for the enforcement of the CPSA, 15 U.S.C. 2051-2084.

3. Vornado Air Circulation Systems, Inc. was a corporation organized and existing under the laws of the State of Kansas, with its principal corporate office located in Andover, Kansas. On December 29, 2006, Vornado Air Circulation Systems, Inc. ceased operations and sold most of its operating assets to a private equity group which formed a new company, Vornado Air LLC, a Delaware company. Vornado Air Circulation Systems, Inc.’s remaining assets and its proceeds from the asset sale were assigned to the Vornado Liquidating Trust, which was established as of December 29, 2006, for the purpose of satisfying Vornado Air Circulation Systems Inc.’s remaining liabilities, including the claims asserted by the Commission which are the subject of this Settlement Agreement. Vornado Air Circulation Systems, Inc. was legally dissolved in September 2007. Vornado Air Circulation Systems, Inc. and the Vornado Liquidating Trust are hereinafter referred to collectively as “Vornado” or the “firm.”

4. At all times relevant herein, Vornado designed, manufactured and sold portable electric heaters, including those that are the subject of this Settlement Agreement and Order.

Staff Allegations

5. Between July 1991 and January 2004, Vornado manufactured and sold approximately one million of the subject portable electric heaters, model numbers 180VH®, Intellitemp®, EVH® (collectively, “*Heaters*” or “*Products*”), which were sold at retailers and distributors nationwide as well as through Vornado’s Web site, for between \$50 and \$120.

6. The Heaters are “consumer product(s)” and, at the times relevant herein, Vornado was a “manufacturer” of “consumer product(s),” which were “distributed in commerce” as those terms are defined or used in sections 3(a)(1), (4), (11) and (12) of the CPSA, 15 USC 2052(a)(1), (4), (11) and (12).

7. The Heaters are defective because a faulty electrical connection can cause the Product to overheat and stop working, thereby posing a fire hazard to consumers. More specifically, certain of the Heaters are defective and pose a fire hazard to consumers because they contain a faulty crimp involving insulated connectors (“*quick connects*”), a flaw which can cause the Heaters to overheat.

8. Vornado received its first report of an overheating incident in January 1993. By the end of 1993, Vornado knew of at least 22 reports of Heater incidents involving melting, smoking, burning, actual fire or the emission of flame.

9. On or about October 27, 1997, Vornado changed the design of its Heaters to incorporate insulated quick connects on the white wires between the heating element and the switch. The redesigned Heaters were sold from the fall of 1998 through 2003.

10. Although Vornado had received reports of Products overheating prior to the design change described in paragraph 9, the firm asserts that this design change caused the faulty crimp problem which resulted in the majority of the overheating incidents that eventually came to its attention.

11. After implementing the design change in question, Vornado received many reports of over-heating incidents with the Heaters, some of which involved fires and the emission of flames. These reports continued for several years thereafter.

12. Despite being aware of the information set forth in paragraphs 5 through 11, Vornado did not report to the Commission about the overheating issue involving the heaters until February 20, 2004, and even then only when requested to do so by the Commission staff.

13. By the time of its February 20, 2004 report to the CPSC, Vornado was