

Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506 (c)(2)(A)).

**DATES:** Written comments must be submitted on or before August 5, 1997.

**ADDRESSES:** Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Gay Shrum, National Telecommunications and Information Administration (NTIA), Room 4892, 14th and Constitution Avenue NW., Washington, DC 20230 (202-482-1056).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The purpose of the Public Telecommunications Facilities Program (PTFP) is to assist, through matching grants, in the planning and construction of public telecommunications facilities in order to achieve the following objectives:

- Extend delivery of public telecommunications services to as many citizens in the United States as possible by the most efficient and economical means, including the use of broadcast and nonbroadcast technologies;
- Increase public telecommunications services and facilities available to, operated by, and owned by minorities and women; and
- Strengthen the capability of existing public television and radio stations to provide public telecommunications services to the public.

Under the Authority of 47 U.S.C. 390-394, 397-399b, the National

Telecommunications and Information Administration administers the Public Telecommunications Facilities Program (PTFP). Members of the public telecommunications community must complete a standardized form to provide information for evaluation by PTFP through a competitive review process.

##### II. Method of Collection

The information collection instrument to be used is in written form.

- Application form distributed to all potential applicants who have notified PTFP that they wish to be placed on the mailing list for applications.

##### III. Data

OMB Number: 0660-0003.

Form Number: NA.

Type of Review: Regular Submission.

Affected Public: State and Local Government and Non-Profit Institutions.

Burden Hours Calculations/Reporting:

Requirement	Hours/appl- cant	Number of applicants	Burden hours
Application Form .....	120	450	54,000
			1,530 (see note)
Total .....			55,530

**Note:** In every grant cycle, PTFP requires revised information to be submitted by applicants under serious consideration for awards. We estimate this information requires 9 hours of work by about 170 of the 450 total applicants. (9×170=1,530).

*Estimated Total Annual Cost:* Cost to respondents is consistent with their normal administrative overhead. No material or equipment will need to be purchased to provide information.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the program, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection;

they also become a matter of public record.

Dated: June 2, 1997.

**Linda Engelmeier,**  
Departmental Form Clearance Officer, Office  
of Management and Organization.

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#### COMMODITY FUTURES TRADING COMMISSION

##### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of submission of information collection #3038-0017, market surveys.

**SUMMARY:** The Commodity Futures Trading Commission has submitted information collection 3038-0017,

Market Surveys, to OMB for review and clearance under the Paperwork Reduction Act of 1995, (Pub. L 104-13). The information collected pursuant to these rules is in the public interest and is necessary for market surveillance.

**DATES:** Comments must be received on or before July 7, 1997.

**ADDRESSES:** Persons wishing to comment on this information collection should contact the Desk Officer, CFTC, Office of Management and Budget, Room 3228, NEOB, Washington, DC 20503, (202) 395-7340. Copies of the submission are available from the Agency Clearance Officer, (202) 418-5160.

*Title:* Market Surveys.

*Control Number:* 3038-0017.

*Action:* Extension.

*Respondents:* Business (excluding small businesses).

*Estimated Annual Burden:* 700 total hours.

Respondents	Regulation (17 CFR)	Estimated number of respondents	Annual re- sponses	Est. avg. hours per response
Businesses .....	21.02	400	400	1.75

Issued in Washington, DC on May 30, 1997.

**Jean A. Webb,**

*Secretary to the Commission.*

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## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 97-C0006]

### In the Matter of the Toro Company, a Corporation; Provisional Acceptance of a Settlement Agreement and Order

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Provisional Acceptance of a Settlement Agreement under the Consumer Product Safety Act.

**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 Section 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with the Toro Company, a corporation.

**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 June 23, 1997.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 97-C0006, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

**FOR FURTHER INFORMATION CONTACT:** Melvin I. Kramer, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0626.

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

Dated: June 3, 1997.

**Sadye E. Dunn,**

*Secretary.*

### Settlement Agreement and Order

1. This Settlement Agreement and Order, entered into between the Toro Company, a corporation (hereinafter, "Toro"), and the staff of the Consumer Product Safety Commission (hereinafter, "staff"), pursuant to the procedures set forth in 16 CFR 1118.20, is a compromise resolution of the matter described herein, without a hearing or determination of issues of law and fact.

### The Parties

2. The "Staff" is the staff of the Consumer Product Safety Commission (hereinafter, "Commission"), an independent federal regulatory agency of the United States government, established by Congress pursuant to section 4 of the Consumer Product Safety Act (hereinafter, "CPSA"), as amended, 15 U.S.C. § 2053.

3. Respondent Toro is a corporation organized and existing under the laws of the State of Delaware with its principal corporate offices located at 8111 Lyndale Ave. South, Bloomington, MN 55420.

### Staff Allegations

4. Section 15(b) of the CPSA, 15 U.S.C. § 2064(b), requires a manufacturer of a consumer product who, *inter alia*, obtains information that reasonably supports the conclusion that the product contains a defect which could create a substantial product hazard or that the product creates an unreasonable risk of serious injury or death, to immediately inform the Commission of the defect or risk.

### Count I

5. Among other lawn and garden products manufactured and distributed by Toro, between 1986 and 1988 Toro manufactured certain rear engine riding lawnmowers (hereinafter, "riding mowers"), model #'s 51638, 56145, 56150, 56155, 56170, and 56175, 8-12 horsepower mowers with 32" cutting decks. Toro manufactured and distributed approximately 81,000 of these mowers for sale to and use by consumers in the United States between 1986 and 1988.

6. The rear wheel axle bolt of the 1986-88 product version of these riding mowers had a short shank, thereby exposing the bolt threads to shear forces beyond its capacity and subjecting the bolt to fatigue and breakage. If the bolt breaks, the brakes may fail and the driver may be unable to stop the riding mower with the brakes.

7. In late June of 1989, after learning of at least 4 incidents of bolt failure, Toro sent letters to known customers asking them to replace the original bolt with a replacement bolt of a different design. However, Toro failed to notify the Commission.

8. In April of 1995, the staff learned of this bolt problem and sent a letter or inquiry to Toro. Toro responded on June 5, 1995 and filed a full report with the Commission.

9. By April of 1995, Toro had notice of approximately 7 incidents associated with the failure of the original axle bolt,

in all of which cases, consumers or dealers clearly identified the problem and alleged a loss of control of the riding mower. Several of these consumers also alleged that they suffered personal injury.

10. Although Toro obtained sufficient information to reasonably support the conclusion that the riding mowers contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury or death, it failed to report such information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. § 2064(b). This is a violation of section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a) (4).

11. Toro's failure to report to the Commission, as required by section 15(b) of the CPSA, 15 U.S.C. § 2064(b), was committed "knowingly", as that term is defined in Section 20(d) of the CPSA, 15 U.S.C. § 2069(d), and Toro is subject to civil penalties under Section 20 of the CPSA.

### Count II

12. Approximately 6,500 of Toro's Wheel Horse Yard and Garden Tractors (Model #264-6) and its Ford and New Holland brand LS 25 and 45 Gear Yard Tractors, six-speed riding tractors (hereinafter, "yard tractors") were sold to consumers nationwide from January 1994 to May 1996 for about \$2,500 each.

13. These tractors had brakes or braking systems, which, in a number of cases, failed prematurely, suddenly and without warning. If the brakes fail in this manner, while operating the yard tractor on a hill, the driver may be unable to stop the yard tractors with the brakes.

14. From 1994-1996, Toro learned of approximately 24 reports of failures of the brakes on these yard tractors. In 2 incidents the user suffered fractured limbs.

15. In March and May of 1995, Toro issued Service Bulletins to its authorized dealers and service centers advising them of the problem and asking them to correct them in response to complaints they receive.

16. Although Toro did file a report with the Commission staff in April of 1996, Toro had obtained sufficient information to reasonably support the conclusion that the yard tractors contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury or death, substantially before that time. Therefore, it failed to make such a report on a timely basis, as required by section 15(b) of the CPSA, 15 U.S.C. § 2064(b). This is a violation of section