

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 upon final acceptance of the Settlement Agreement and Order, Sears, Roebuck and Co. shall pay to the Commission a civil penalty in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$5000,000.00) within twenty (20) days after service upon Respondent of the Final Order of the Commission accepting the attached Settlement Agreement. Upon the failure of Respondent Sears, Roebuck and Co. to pay or to make untimely pay the civil penalty, interest 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 4th date of October, 2004.

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

[FR Doc. 04-22718 Filed 10-7-04; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed collection; comment request

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Security Services (DSS) announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed 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 proposed 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 December 7, 2004.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Defense Security Service, Program Integration Branch, ATTN: Mr. Richard L. Lawhorn, 1340 Braddock Place, Alexandria, VA 22314-1650.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Defense Security Service, Program Integration Branch (703) 325-5327.

Title: Associated Form; and *OMB Number:* Personnel Security Investigation Projection for Industry Survey; DSS Form 232; OMB Number 0704-0417.

Needs and Uses: Executive Order (EO) 12829, "National Industrial Security Program (NISP)," stipulates that the Secretary of Defense shall serve as the Executive Agent for inspecting and monitoring the contractors, licensees, and grantees who require or will require access to classified information; and for determining the eligibility for access to classified information of contractors, licensees, and grantees and their respective employees. EO 1282 also authorizes the Executive Agent to issue, after consultation with affected agencies, standard forms that will promote the implementation of the NISP.

Under the NISP, the Defense Security Service is responsible for conducting personnel security investigations of employees of those cleared contractor entities under its security cognizance. In the past, DSS has relied on historical data for agency budget projections regarding the numbers of personnel security investigations required by cleared contractor entities; however, historical data did not provide a particularly accurate or credible estimate of such workload. In this proposed collection of information, DSS requests the voluntary assistance of the Facility Security Officers of cleared contractor entities to provide projections of the numbers and types of personnel security investigations required. The data will be incorporated into DDS' budget submissions.

The Assistant Secretary of Defense assigned DSS responsibility for the following types of investigations within industry:

- A Single Scope Background Investigation (SSBI).
- National Agency Check with Local Agency Check and Credit Check (NACLC).
- SSBI Periodic Reinvestigation (SSBI-PR or TS-PR).

In accordance with 5200.2-R, DSS is also responsible for conducting TS-PRs every 5 years, SECRET-PRs every 10 years and CONFIDENTIAL-PRs every 15 years. In addition, under specified circumstances, DSS is required to conduct SSBI, NACLCs and National Agency Checks (NACs) for sensitive positions that do not require personnel security clearances.

Representative of various industry associations, the National Industrial Security Program Policy Advisory Committee (NISPPAC), the Military Services, various elements of the Department of Defense and other Federal Government Agencies are aware of the annual survey.

Affected Public: Business or other for profit; Not-for-profit institutions.

Annual Burden Hours: 15,146.

Number of Respondents: 12,117.

Responses per Respondent: 1.

Average Burden per Response: 75 minutes.

Frequency: Annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The executive of the DSS Form 232 is an essential factor in projecting the needs of cleared contractor entities for PSIs. This collection of information requests the voluntary assistance of the Facility Security Officer to provide projections of the numbers and types of PSIs. The data will be incorporated into DSS' budget submissions. The form is authorized for local reproduction and will be available electronically on the World Wide Web. The form will display OMB approval number 0704-0417.

Dated: September 27, 2004.

Patricia L. Toppings,

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

[FR Doc. 04-22685 Filed 10-7-04; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 04-18]

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 Pub. L. 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/OPS-ADMIN, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of

Representatives, Transmittal 04-18 with attached transmittal and policy justification.

Dated: October 4, 2004.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-06-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

In reply refer to:
I-04/007274

**The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515-6501**

Dear Mr. 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. 04-18, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Afghanistan for construction services estimated to cost \$ 1 Billion. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

A handwritten signature in black ink, appearing to read "J.B. Kohler", is positioned above the printed name and title.

**JEFFREY B. KOHLER
LIEUTENANT GENERAL, USAF
DIRECTOR**

Enclosures:

- 1. Transmittal No. 04-18**
- 2. Policy Justification**

**Same ltr to: House Committee on International Relations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations
Senate Committee on Appropriations**

Transmittal No. 04-18

**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:** Afghanistan
- (ii) **Total Estimated Value:**
- | | |
|--------------------------|--------------------|
| Major Defense Equipment* | \$0 billion |
| Other | <u>\$1 billion</u> |
| TOTAL | \$1 billion |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** technical assistance to ensure provision of adequate facilities and infrastructure in support of the recruitment, garrison, training, and operational facilities and infrastructure for the Afghan National Army (ANA). The United States Army Corps of Engineers (USACE) will provide engineering, planning, design, acquisition, contract administration, construction management and other technical services for construction of facilities and infrastructure (repair, rehabilitation, and new construction) in support of the training, bed-down, and operational requirements of the ANA. The scope of the program includes facilities and infrastructure in support of the ANA Central Corps in Kabul as well as simultaneously building four regional commands currently planned in Gardez, Kandahar, Herat and Mazar-e Sharif. The facilities and infrastructure planned for Central Corps include new temporary vehicle storage facilities, medical clinics, hospital steam plant, security walls, training barracks/facilities, dining facilities, recruit training facilities, training, maintenance and supply buildings, and utilities systems (including heating, water, sewer, and electricity). The facilities to be provided at each of the four regional brigade locations include barracks, training, maintenance, and storage facilities, medical clinic, communications center, and required utilities (electricity including generation, heat, water, sewer, sewage treatment). Services include supply support, personnel training and training equipment, acquisition of engineer construction equipment, technical assistance to Afghan military engineers, and other technical assistance contractor engineering services and other related elements of logistics support.
- (iv) **Military Department:** Army (HAD)
- (v) **Prior Related Cases, if any:** none
- (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:** none
- (viii) **Date Report Delivered to Congress:** 28 SEP 2004

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

POLICY JUSTIFICATION

Afghanistan – Infrastructure and Construction Services

The Government of Afghanistan has requested a possible sale of technical assistance to ensure provision of adequate facilities and infrastructure in support of the recruitment, garrison, training, and operational facilities and infrastructure for the Afghan National Army (ANA). The United States Army Corps of Engineers (USACE) will provide engineering, planning, design, acquisition, contract administration, construction management and other technical services for construction of facilities and infrastructure (repair, rehabilitation, and new construction) in support of the training, bed-down, and operational requirements of the ANA. The scope of the program includes facilities and infrastructure in support of the ANA Central Corps in Kabul as well as simultaneously building four regional commands currently planned in Gardez, Kandahar, Herat and Mazar-e Sharif. The facilities and infrastructure planned for Central Corps include new temporary vehicle storage facilities, medical clinics, hospital steam plant, security walls, training barracks/facilities, dining facilities, recruit training facilities, training, maintenance and supply buildings, and utilities systems (including heating, water, sewer, and electricity). The facilities to be provided at each of the four regional brigade locations include barracks, training, maintenance, and storage facilities, medical clinic, communications center, and required utilities (electricity including generation, heat, water, sewer, sewage treatment). Services include supply support, personnel training and training equipment, acquisition of engineer construction equipment, technical assistance to Afghan military engineers, and other technical assistance contractor engineering services and other related elements of logistics support. The estimated cost is \$1 billion.

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 which we hope to help become an important force for political stability and economic progress in South Asia.

The Government of Afghanistan needs these services to support the recruitment, training, bed-down, and operational effectiveness of a military capability to establish security and stability throughout Afghanistan, and to promote the stability and development of a friendly, democratic central government.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The USACE is the principal organization that will direct the implementation of the provisions of this program. The USACE will provide services through both in-house personnel and contract services. Contracts will be procured in accordance with Federal Government contracting law and regulations. There are no known offset agreements proposed in connection with this potential sale.

The estimated number of U.S. Government and contractor representatives to be assigned to Afghanistan to implement the provisions of this proposed sale will vary between 15 and 100 representatives. The ultimate number will be determined during the program execution.

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

[FR Doc. 04-22689 Filed 10-7-04; 8:45 am]

BILLING CODE 5001-06-C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 04-38]

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. J. Hurd, DSCA/OPS-ADMIN, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 04-38 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: October 4, 2004.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-06-M