

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0103, Ownership and Control Reports, Forms 102/102S, 40/40S, and 71 (Trader and Account Identification Reports)

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before December 13, 2023.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the website's search function. Comments can be entered electronically by clicking on the "comment" button next to the information collection on the "OIRA Information Collections Under Review" page, or the "View ICR—Agency Submission" page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the "Commission" or "CFTC") by clicking on the "Submit Comment" box next to the descriptive entry for OMB Control No. 3038–0103, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- **Hand Delivery/Courier:** Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.<sup>1</sup> The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Chase Lindsey, Assistant Chief Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 740–4833; [clindsey@cftc.gov](mailto:clindsey@cftc.gov), and refer to OMB Control No. 3038–0103.

#### SUPPLEMENTARY INFORMATION:

**Title:** Ownership and Control Reports, Forms 102/102S, 40/40S, and 71 (Trader and Account Identification Reports) (OMB Control No. 3038–0103). This is a request for extension of a currently approved information collection.

**Abstract:** The final rules<sup>2</sup> created new information collection requirements via §§ 17.01, 18.04, 18.05, and 20.5. Specifically, § 17.01 provides for the filing of Form 102A, Form 102B and Form 71, as follows:

- Pursuant to § 17.01(a), futures commission merchants ("FCMs"), clearing members, and foreign brokers shall identify new special accounts to the Commission on Form 102A;
- Pursuant to § 17.01(b), clearing members shall identify volume threshold accounts to the Commission on Form 102B; and
- Pursuant to § 17.01(c), omnibus volume threshold account originators

<sup>1</sup> 17 CFR 145.9.

<sup>2</sup> See Final Rule, *Ownership and Control Reports, Forms 102/102S, 40/40S, and 71*, 78 FR 69178 (Nov. 18, 2013). Terms used herein and not otherwise defined herein shall have the meaning assigned to such terms in the final rules or in the Commission's regulations.

and omnibus reportable sub-account originators shall identify reportable subaccounts to the Commission on Form 71 when requested via a special call by the Commission or its designee.

Additional reporting requirements arise from § 18.04, which results in the collection of information via Form 40 from and regarding traders who own, hold, or control reportable positions; volume threshold account controllers; persons who own volume threshold accounts; reportable sub-account controllers; and persons who own reportable sub-accounts.

Reporting requirements also arise from § 20.5(a), which requires all reporting entities to submit Form 102S for swap counterparty or customer consolidated accounts with reportable positions. In addition, § 20.5(b) requires every person subject to books or records under current § 20.6 to complete a 40S filing after a special call upon such person by the Commission.

In addition to the reporting requirements summarized above, § 18.05 imposes recordkeeping requirements upon: (1) Traders who own, hold, or control a reportable futures or options on futures position; (2) volume threshold account controllers; (3) persons who own volume threshold accounts; (4) reportable sub-account controllers; and (5) persons who own reportable subaccounts.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. On August 30, 2023, the Commission published in the **Federal Register** notice of the proposed revision of this information collection

and provided 60 days for public comment on the proposed extension, 88 FR 59877 (“60-Day Notice”). The Commission received no relevant comments that addressed its PRA burden estimates.

**Burden Statement:** The Commission estimates the burden of this collection of information as follows:

**Estimated Number of Respondents:** 1,779.

**Estimated Average Burden Hours per Respondent:** 102.

**Estimated Total Annual Burden Hours:** 188,980.

**Frequency of Collection:** On occasion.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: November 6, 2023.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

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**BILLING CODE 6351-01-P**

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 24-0001]

**HSN, Inc.**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission publishes in the **Federal Register** any settlement that it provisionally accepts under the Consumer Product Safety Act. Published below is a provisionally accepted Settlement Agreement with HSN, Inc., containing a civil penalty in the amount of \$16,000,000 subject to the terms and conditions of the Settlement Agreement. The Commission voted unanimously (4-0) to provisionally accept the proposed Settlement Agreement and Order pertaining to HSN, Inc. Commissioners statements regarding the matter can be found here: <https://www.cpsc.gov/Commissioners>.

**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 November 28, 2023.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to Comment 24-C0001, Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (240) 863-8938 (mobile), (301) 504-7479 (office); email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**FOR FURTHER INFORMATION CONTACT:** Elizabeth L. Jones, Trial Attorney,

Division of Enforcement and Litigation, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814; [EJones@cpsc.gov](mailto:EJones@cpsc.gov), 301-504-7510 (office).

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

Dated: November 7, 2023.

**Sarah Bock,**

*Paralegal Specialist.*

**United States of America**

**Consumer Product Safety Commission**

*In the Matter of:* HSN, Inc., CPSC Docket No.: 24-C0001

### Settlement Agreement

1. In accordance with the Consumer Product Safety Act, 15 U.S.C. 2051-2089 (“CPSA”), and 16 CFR 1118.20, HSN, Inc. and its subsidiaries, including without limitation Ingenious Designs, LLC (collectively “HSN” or “the Firm”), and the United States Consumer Product Safety Commission (“Commission” or “CPSC”), through its staff, hereby enter into this Settlement Agreement (“Agreement”). The Agreement and the incorporated attached Order resolve staff’s charges set forth below.

### The Parties

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for, the enforcement of the CPSA, 15 U.S.C. 2051-2089. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 CFR 1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. HSN is a corporation, organized and existing under the laws of the state of Delaware, with its principal place of business in St. Petersburg, Florida.

### Staff Charges

4. Between 2002 and 2019, HSN imported and distributed in the United States approximately 5.4 million Joy Mangano brand “My Little Steamer®,” also sold as a “Deluxe” version and “My Little Steamer® Go Mini” (collectively, the “Steamers” or “Subject Products”).

5. The Subject Products are “consumer products” that were “import[ed]” and “distribut[ed] in commerce,” as those terms are defined or used in sections 3(a)(5), (8), and (9) of the CPSA, 15 U.S.C. 2052(a)(5), (8), and (9). HSN is a “manufacturer” and “distributor” of the Subject Products, as such terms are defined in sections 3(a)(8) and (11) of the CPSA, 15 U.S.C. 2052(a)(8) and (11).

Violation of CPSA Section 19(a)(4)

6. The Subject Products contain a defect which could create a substantial product hazard or create an unreasonable risk of serious injury because the Subject Products expel, spray, or leak hot water during use, posing a serious burn hazard to consumers.

7. By the end of 2012 and continuing into 2019, HSN had received numerous reports that the Subject Products would spray, expel, and/or leak hot water while in use, some resulting in serious and permanent injuries, a limited number of which constituted grievous bodily injury, as defined in 16 CFR 1115.12(d).

8. During the same time, HSN made several changes to the Steamers in an attempt to address the spraying, expelling, and/or leaking of hot water; however, HSN continued to receive numerous reports of the Steamers spraying, expelling, and/or leaking hot water.

9. Despite possessing information that reasonably supported the conclusion that the Subject Products contained a defect that could create a substantial product hazard or created an unreasonable risk of serious injury, HSN did not immediately report to the Commission.

10. By the time HSN filed an initial report with the Commission under 15 U.S.C. 2064(b) concerning the Subject Products, the Firm had received approximately 400 complaints of the Steamers spraying or expelling hot water and approximately 700 additional reports of leaks, resulting in at least 91 reports of injury, and 29 insurance claims alleging injuries, including reports of second and third-degree burns, scarring and one report of partial hearing loss. In addition, the Firm received via Online Reviews on the HSN website approximately 500 complaints of the Steamers spraying or expelling hot water and approximately 150 complaints of leaks, including 87 reports of injury.

11. The Commission and HSN jointly announced a recall of the Subject Products on May 26, 2021.

### Failure to Timely Report

12. Despite having information reasonably supporting the conclusion that the Subject Products contained a defect which could create a substantial product hazard or created an unreasonable risk of serious injury or death, HSN did not notify the Commission immediately of such defect or risk, as required by sections 15(b)(3) and (4) of the CPSA, 15 U.S.C.