

1118.20(f), if the Commission does not receive any written requests not to accept the Agreement within 15 calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date it is published in the **Federal Register**.

32. Upon final acceptance of this Agreement by the Commission and issuance of the final Order, Mega Brands America knowingly, voluntarily and completely waives any rights it may have in this matter to the following: (i) An administrative or judicial hearing; (ii) judicial review or other challenge or contest of the validity of the Commission's Order or actions; (iii) a determination by the Commission as to whether Mega Brands America failed to comply with the CPSA and the underlying regulations; (iv) a statement of findings of fact and conclusions of law; and (v) any claims under the Equal Access to Justice Act.

33. The Commission may publicize the terms of the Agreement and Order.

34. The Agreement and Order shall apply to, and be binding upon Mega Brands America and each of its successors and assigns.

35. The Commission issues the Order under the provisions of the CPSA, and a violation of the Order may subject those referenced in paragraph 34 above to appropriate legal action.

36. This Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. The Agreement shall not be waived, amended, modified, or otherwise altered without written agreement thereto executed by the party against whom such waiver, amendment, modification, or alteration is sought to be enforced.

37. If any provision of this Agreement and Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and Order, such provision shall be fully severable. The balance of the Agreement and Order shall remain in full force and effect, unless the Commission and Mega Brands America determine that severing the provision materially affects the purpose of the Agreement and Order.

MEGA BRANDS AMERICA, INC.

Dated: 3/19/09

By: _____

Vic Bertrand
President

Mega Brands America, Inc., 6 Regent Street,
Livingston, NJ 07039

By: _____

Michael J. Gidding
Counsel for Mega Brands America, Inc.
Brown & Gidding, P.C., 3201 New Mexico
Avenue, NW., Washington, DC 20016

U.S. Consumer Product Safety Commission

Cheryl Falvey
General Counsel
Ronald G. Yelenik
Assistant General Counsel

Dated: 3/24/09

By: _____

Michelle Faust Gillice
Trial Attorney
Division of Compliance, Office of the General
Counsel

In the Matter of: Mega Brands America, Inc. f/k/a Rose Art Industries, Inc.; Order

Upon consideration of the Settlement Agreement entered into between Mega Brands America, Inc. ("Mega Brands America") and the U.S. Consumer Product Safety Commission ("Commission") staff, and the Commission having jurisdiction over the subject matter and over Mega Brands America, and it appearing that the Settlement Agreement and the Order are in the public interest, it is

Ordered, that the Settlement Agreement be, and hereby is, accepted; and it is

Further ordered, that Mega Brands America shall pay a civil penalty in the amount of \$1.1 million (\$1,100,000.00) in three installments. The first installment of \$400,000 shall be paid within twenty (20) calendar days of service of the Commission's final Order accepting this Agreement. The second installment of \$350,000 shall be paid within three (3) months of service of the Commission's final Order accepting this Agreement. The third and final installment of \$350,000 shall be paid within six (6) months of service of the Commission's final Order accepting this Agreement. Each payment shall be made by check payable to the order of the United States Treasury. Upon the failure of Mega Brands America to make any of the aforementioned payments when due, the total amount of the civil penalty shall become immediately due and payable, and interest on the unpaid amount shall accrue and be paid by Mega Brands America at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b).

Provisionally accepted and provisional Order issued on the ____ day of ____, 2009.

BY ORDER OF THE COMMISSION:

Todd A. Stevenson, Secretary
U.S. Consumer Product Safety Commission

Finally accepted and final Order issued on the ____ day of ____, 2009.

BY ORDER OF THE COMMISSION:

Todd A. Stevenson, Secretary
U.S. Consumer Product Safety Commission
[FR Doc. E9-9452 Filed 4-23-09; 8:45 am]
BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board (DHB) Meeting

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, and in accordance with section 10(a)(2) of Public Law, the following meeting of the Defense Health Board (DHB) is announced:

DATES: May 7-8, 2009.

May 7, 2009.
7 a.m.-12 p.m. (Open Session).
12 p.m.-2:15 p.m. (Administrative Working Meeting).
2:15 p.m.-5:15 p.m. (Open Session).
May 8, 2009.
8 a.m.-2 p.m. (Closed Session).

ADDRESSES: May 7, 2009, Ballroom, Sheraton Chrystal City Hotel, 1800 Jefferson Davis Highway Arlington, VA 22202.

May 8, 2009 Industrial College of the Armed Forces, Fort McNair, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Commander Edmond F. Feeks, Executive Secretary, Defense Health Board, Five Skyline Place, 5111 Leesburg Pike, Suite 810, Falls Church, Virginia 22041-3206, (703) 681-8448, EXT. 1228, Fax: (703)-681-3317, edmond.feeks@tma.osd.mil. Additional information, agenda updates, and meeting registration are available online at the Defense Health Board Web site, <http://www.ha.osd.mil/dhb>. The public is encouraged to register for the meeting. If special accommodations are required to attend (sign language, wheelchair accessibility) please contact Ms. Lisa Jarrett at (703) 681-8448 ext. 1280 by April 30, 2009. Written statements may be mailed to the above address, emailed to dhb@ha.osd.mil or faxed to (703) 681-3317.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of the meeting is to address and deliberate pending and new Board issues and provide briefings for Board members on topics related to ongoing Board business.

Agenda: On May 7, 2009, the Board will receive a briefing on Iraqi Health

Sector Reconstruction. The following Defense Health Board Subcommittees will present updates to the Board: the Millennium Cohort Study, the Psychological Health External Advisory Subcommittee, the Trauma and Injury Subcommittee, the Vaccine Safety and Effectiveness Report, the National Capital Region Base Realignment and Closure Subcommittee, and the Traumatic Brain Injury External Advisory Subcommittee. The Board will also receive an informational briefing on the use of the Warren Cohort Serum Repository.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, in the interest of national security, the Department of Defense has determined that the meeting on May 8, 2009 will be closed to the public. The Under Secretary of Defense (Personnel and Readiness), in consultation with the Office of the DoD General Counsel, has determined in writing that the public interest requires that the session on May 8, 2009 be closed to public because they will concern matters listed in section 552b(c)(1) of title 5, United States Code. Specifically the information presented meets criteria established by an executive order to be kept secret in the interest of national defense and foreign policy.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject availability of space, the Defense Health Board meeting from 7 a.m. to 12 p.m. and from 2:15 p.m. to 5:15 p.m. on May 7, 2009 is open to the public. Any member of the public wishing to provide input to the Defense Health Board should submit a written statement in accordance with 41 CFR 102–3.140(C) and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice. Written statement should be not longer than two type-written pages and must address the following detail: The issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and to provide any necessary background information.

Individuals desiring to submit a written statement may do so through the Board's Designated Federal Officer at the address detailed above at any point. However, if the written statement is not received at least 10 calendar days prior to the meeting, which is subject to this notice, then it may not be provided to or considered by the Defense Health Board until the next open meeting.

The Designated Federal Officer will review all timely submissions with the

Defense Health Board Chairperson, and ensure they are provided to members of the Defense Health Board before the meeting that is subject to this notice. After reviewing the written comments, the Chairperson and the Designated Federal Officer may choose to invite the submitter of the comments to orally present their issue during an open portion of this meeting or at a future meeting.

The Designated Federal Officer, in consultation with the Defense Health Board Chairperson, may, if desired, allot a specific amount of time for members of the public to present their issues for review and discussion by the Defense Health Board.

Dated: April 20, 2009.

Morgan E. Frazier,

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

[FR Doc. E9–9390 Filed 4–23–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2009–OS–0055]

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to Amend Two Systems of Records.

SUMMARY: The Defense Logistics Agency is amending two systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on May 26, 2009 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Chief Privacy and FOIA Officer, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis Oleinick at (703) 767–6194.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of

the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: April 21, 2009.

Morgan E. Frazier,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S500.41 CAAS

SYSTEM NAME:

Vehicle/Traffic Incident Files (July 30, 1999, 64 FR 41399).

CHANGES:

SYSTEM IDENTIFIER:

Delete “CAAS” from entry.

* * * * *

SYSTEM LOCATION:

Delete entry and replace with “Public Safety and Security Office, Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 3533, Fort Belvoir, VA 22060–6220 and the Public Safety and Security Offices of the DLA field activities. Addresses may be obtained from the System manager.”

* * * * *

SAFEGUARDS:

Delete entry and replace with “Records are maintained in areas accessible only to DLA Headquarters and field activities security supervisors and staff personnel who use the records to perform their duties. All records are maintained on closed military installations with security force personnel performing installation access control and random patrols. Common Access Cards and personal identification numbers are used to authenticate authorized desktop and laptop computer users. Computer servers are scanned quarterly or monthly to assess system vulnerabilities. Systems security updates are accomplished daily. The computer files are password protected with access restricted to authorized users with a need for the information. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during non duty hours, with access restricted during duty hours to authorized users with a need for the information.”

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with “Program Manager, Law Enforcement Operations, Headquarters, Defense Logistics Agency, Office of Public Safety, 8725 John J. Kingman Road, Suite 3533, Fort Belvoir, VA 22060–6220, and the Security Managers within