

statutory or regulatory violation by Whalen or any admission by Whalen of the accuracy of any allegations made by staff.

16. Upon provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the *Federal Register* in accordance with the procedures set forth in 16 C.F.R. § 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within fifteen (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*, in accordance with 16 C.F.R. § 1118.20(f).

17. Upon the Commission's final acceptance of the Agreement and issuance of the final Order, Whalen 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 Commission's actions; (iii) a determination by the Commission as to whether Whalen 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.

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

19. The Agreement and the Order shall apply to and be binding upon Whalen and each of its successors and/or assigns.

20. The Commission issues the Order under the provisions of the CPSA, and a violation of the Order may subject Whalen and each of its successors and/or assigns to appropriate legal action.

21. The 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.

22. If any provision of the Agreement or the Order is held to be illegal, invalid or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Whalen agree that severing the provision

materially affects the purpose of the Agreement and the Order.

Dated: January 1, 2013.

WHALEN FURNITURE MANUFACTURING, INC.

By:

Kenneth J. Whalen,

President, Whalen Furniture Manufacturing, Inc., 1578 Air Wing Road, San Diego, CA 92154.

Dated: January 1, 2013.

By:

Sheila A. Millar, Esquire.

Keller and Heckman, LLP,

1001 G Street, NW., Washington, DC 20001, Counsel for Whalen Furniture Manufacturing, Inc.

U.S. CONSUMER PRODUCT SAFETY COMMISSION STAFF

Mary T. Boyle,
Acting General Counsel.

William J. Moore, Jr.,

Trial Attorney, Division of Compliance, Office of the General Counsel.

Dated: January 3, 2013.

By:

Mary B. Murphy,

Assistant General Counsel, Division of Compliance, Office of the General Counsel.

UNITED STATES OF AMERICA

CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of: WHALEN FURNITURE MANUFACTURING, INC. d/b/a Bayside Furnishings

CPSC Docket No.: 13-C0003

ORDER

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

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

FURTHER ORDERED that Whalen shall pay a civil penalty in the amount of seven hundred twenty-five thousand dollars (\$725,000.00) within twenty (20) days of service of the Commission's final Order accepting the Settlement Agreement. The payment shall be made electronically to the CPSC via www.pay.gov. Upon the failure of Whalen to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Whalen 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 31st day of January, 2013.

BY ORDER OF THE COMMISSION:

Todd A. Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2013-02442 Filed 2-4-13; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Cancellation of the Notice of Intent To Prepare a Draft and Final Supplemental Environmental Impact Statement for Reach 1A on the Herbert Hoover Dike Major Rehabilitation Project, Martin and Palm Beach Counties

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice; cancellation.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers (USACE) hereby cancels its Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for Reach 1A on the Herbert Hoover Dike (HHD) Major Rehabilitation Project, as published in the **Federal Register**, March 9, 2009 (74 FR 10038).

The USACE issued a Notice of Availability (NOA) for the Draft SEIS on June 25, 2010 (75 FR 36386). A public meeting was held in Canal Point on July 22, 2010 to present the Draft SEIS.

The cancellation of the subject SEIS is necessitated due to a change in scope of the rehabilitation project. The initial focus of the HHD Major Rehabilitation Report (MRR) from 2000 divided the 143 miles dike into eight Reaches with the initial focus on Reach 1. This Reach by Reach approach is being replaced with a system-wide risk reduction approach as required for safety modifications to dams.

FOR FURTHER INFORMATION CONTACT:

Questions may be forwarded to Ms. Angela Dunn, Environmental Branch, Planning Division, Jacksonville District, Corps of Engineers, Post Office Box 4970, Jacksonville, FL 32232-0019, Phone: 904-232-2108.

SUPPLEMENTARY INFORMATION: The supplemental MRR will be replaced with a system-wide Dam Safety Modification (DSM) Report. Environmental documentation will be prepared and coordinated in conjunction with the system wide DSM Report as required by the National Environmental Policy Act.

Dated: January 16, 2013.

Eric P. Summa,

Chief, Environmental Branch.

[FR Doc. 2013-02459 Filed 2-4-13; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Cancellation of the Notice of Intent To Prepare a Draft and Final Supplemental Environmental Impact Statement for Reach 1B, C, and D on the Herbert Hoover Dike Major Rehabilitation Project, Martin and Palm Beach Counties

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice; cancellation.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers (USACE) hereby cancels its Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for Reach 1B, C, and D on the HHD Major Rehabilitation Project, as published in the **Federal Register**, July 28, 2009 (74 FR 37190). The cancellation of the subject SEIS is necessitated due to a change in scope of the rehabilitation project. The initial focus of the HHD Major Rehabilitation Report (MRR) from 2000 divided the 143 miles dike into eight Reaches with the initial focus on Reach 1. This Reach by Reach approach is being replaced with a system-wide risk reduction approach as required for safety modifications to dams.

FOR FURTHER INFORMATION CONTACT:

Questions may be forwarded to Ms. Angela Dunn, Environmental Branch, Planning Division, Jacksonville District, Corps of Engineers, Post Office Box 4970, Jacksonville, FL 32232-0019, Phone: 904-232-2108.

SUPPLEMENTARY INFORMATION: The supplemental MRR will be replaced with a system-wide Dam Safety Modification (DSM) Report. Environmental documentation will be prepared and coordinated in conjunction with the system wide DSM Report as required by the National Environmental Policy Act.

Dated: January 16, 2013.

Eric P. Summa,

Chief, Environmental Branch.

[FR Doc. 2013-02460 Filed 2-4-13; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Cancellation of the Notice of Intent To Prepare a Draft and Final Supplemental Environmental Impact Statement for Reaches 2 and 3 on the Herbert Hoover Dike Major Rehabilitation Project, Palm Beach and Glades Counties, FL

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice; cancellation.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers (USACE) hereby cancels its Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for Reaches 2 and 3 on the HHD Major Rehabilitation Project, as published in the **Federal Register**, August 9, 2006 (71 FR 45539). The USACE issued an NOA for the Draft SEIS on December 22, 2006 (71 FR 77013). A public meeting was held in Clewiston on January 10, 2007 to present the Draft SEIS.

The USACE issued a second NOI, published in the **Federal Register**, August 31, 2009 (74 FR 44828), due to a revision to the preferred alternative discussed and coordinated in the December 2006 Draft SEIS.

The cancellation of the subject SEIS is necessitated due to a change in scope of the rehabilitation project. The initial focus of the HHD Major Rehabilitation Report (MRR) from 2000 divided the 143 miles dike into eight Reaches with the initial focus on Reach 1. This Reach by Reach approach is being replaced with a system wide risk reduction approach as required for safety modifications to dams.

FOR FURTHER INFORMATION CONTACT:

Questions may be forwarded to Ms. Angela Dunn, Environmental Branch, Planning Division, Jacksonville District, Corps of Engineers, Post Office Box 4970, Jacksonville, FL 32232-0019, Phone: 904-232-2108.

SUPPLEMENTARY INFORMATION: The supplemental MRR will be replaced with a system wide Dam Safety Modification (DSM) Report. Environmental documentation will be prepared and coordinated in conjunction with the system wide DSM Report.

Dated: January 16, 2013.

Eric P. Summa,

Chief, Environmental Branch.

[FR Doc. 2013-02458 Filed 2-4-13; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13-459-000.
Applicants: Trailblazer Pipeline Company LLC.
Description: 4Q 2012 Penalty Credit Revenue Report.
Filed Date: 1/22/13.
Accession Number: 20130122-5241.
Comments Due: 5 p.m. ET 2/4/13.
Docket Numbers: RP13-473-000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Secondary Scheduling Priorities to be effective 4/1/2013.
Filed Date: 1/24/13.
Accession Number: 20130124-5072.
Comments Due: 5 p.m. ET 2/5/13.
Docket Numbers: RP13-474-000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/24/13 Negotiated Rates—Sequent Energy Management (HUB) 3075-89 to be effective 1/23/2013.
Filed Date: 1/24/13.
Accession Number: 20130124-5104.
Comments Due: 5 p.m. ET 2/5/13.
Docket Numbers: RP13-475-000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/24/13 Negotiated Rates—United Energy Trading (HUB) 5095-89 to be effective 1/23/2013.
Filed Date: 1/24/13.
Accession Number: 20130124-5106.
Comments Due: 5 p.m. ET 2/5/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP13-110-001.
Applicants: Discovery Gas Transmission LLC.
Description: NAESB V2.0—2nd Compliance to be effective 12/1/2012.
Filed Date: 1/24/13.
Accession Number: 20130124-5100.
Comments Due: 5 p.m. ET 2/5/13.

Any person desiring to protest in any of the above proceedings must file in