

NSN: 8415-01-539-4041—XLARGE—Short  
 NSN: 8415-01-539-4045—XSMALL—Reg  
 NSN: 8415-01-539-4049—SMALL—Reg  
 NSN: 8415-01-539-4056—MEDIUM—Reg  
 NSN: 8415-01-539-4058—LARGE—Reg  
 NSN: 8415-01-539-4109—XLARGE—Reg  
 NSN: 8415-01-539-4114—2XLARGE—Reg  
 NSN: 8415-01-539-4119—XSMALL—LONG  
 NSN: 8415-01-539-4609—SMALL—LONG  
 NSN: 8415-01-539-4619—MEDIUM—LONG  
 NSN: 8415-01-539-4625—LARGE—LONG  
 NSN: 8415-01-539-4631—XLARGE—LONG  
 NSN: 8415-01-539-4635—2XLARGE—LONG  
 NSN: 8415-01-539-4658—SMALL—Xlong  
 NSN: 8415-01-539-4664—MEDIUM—Xlong  
 NSN: 8415-01-539-4667—LARGE—Xlong  
 NSN: 8415-01-539-4671—XLARGE—Xlong  
 NSN: 8415-01-539-4677—2XLarge—Xlong  
 NPA: Bestwork Industries for the Blind, Inc.,  
 Runnemede, NJ

*Contracting Activity:* Defense Logistics  
 Agency, Defense Supply Center  
 Philadelphia.

*Coverage:* C-list for the remaining portion  
 (beyond three years and above 735,000  
 units) of the government requirement for  
 the Defense Supply Center Philadelphia,  
 Philadelphia, PA.

### Deletions

On 2/27/2009, the Committee for  
 Purchase From People Who Are Blind  
 or Severely Disabled published notice  
 (74 FR 8902–8903) of proposed  
 deletions from the Procurement List.

After consideration of the relevant  
 matter presented, the Committee has  
 determined that the products listed  
 below are no longer suitable for  
 procurement by the Federal Government  
 under 41 U.S.C. 46–48c and 41 CFR 51–  
 2.4.

### Regulatory Flexibility Act Certification

I certify that the following action will  
 not have a significant impact on a  
 substantial number of small entities.  
 The major factors considered for this  
 certification were:

1. The action will not result in  
 additional reporting, recordkeeping or  
 other compliance requirements for small  
 entities.

2. The action may result in  
 authorizing small entities to furnish the  
 products to the Government.

3. There are no known regulatory  
 alternatives which would accomplish  
 the objectives of the Javits-Wagner-  
 O'Day Act (41 U.S.C. 46–48c) in  
 connection with the products deleted  
 from the Procurement List.

### End of Certification

Accordingly, the following products  
 are deleted from the Procurement List:

#### Products

NSN: 7520-01-484-5269—Pen, Retractable,  
 Biodegradable  
 NSN: 7520-01-484-5265—Pen, Retractable,  
 Biodegradable

NSN: 7520-01-484-5264—Pen, Retractable,  
 Biodegradable  
 NSN: 7520-01-484-5260—Pen, Retractable,  
 Biodegradable  
 NPA: Industries of the Blind, Inc.,  
 Greensboro, NC  
*Contracting Activity:* GSA/FSS Ofc Sup Ctr—  
 Paper Products, New York, NY.

**Barry S. Lineback,**

*Director, Business Operations.*

[FR Doc. E9-9454 Filed 4-23-09; 8:45 am]

**BILLING CODE 6353-01-P**

### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

#### Procurement List; Proposed Additions

**AGENCY:** Committee for Purchase from  
 People Who Are Blind or Severely  
 Disabled.

**ACTION:** Proposed additions to the  
 Procurement List.

**SUMMARY:** The Committee is proposing  
 to add to the Procurement List products  
 and service to be furnished by nonprofit  
 agencies employing persons who are  
 blind or have other severe disabilities.  
*Comments Must be Received on or  
 Before:* 5/25/2009.

**ADDRESSES:** Committee for Purchase  
 From People Who Are Blind or Severely  
 Disabled, Jefferson Plaza 2, Suite 10800,  
 1421 Jefferson Davis Highway,  
 Arlington, Virginia 22202-3259. *For  
 Further Information or to Submit  
 Comments Contact:* Barry S. Lineback,  
 telephone: (703) 603-7740, fax: (703)  
 603-0655, or e-mail  
*CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:** This  
 notice is published pursuant to 41 U.S.C  
 47(a)(2) and 41 CFR 51-2.3. Its purpose  
 is to provide interested persons an  
 opportunity to submit comments on the  
 proposed actions.

#### Additions:

If the Committee approves the  
 proposed additions, the entities of the  
 Federal Government identified in this  
 notice for each product or service will  
 be required to procure the products and  
 service listed below from nonprofit  
 agencies employing persons who are  
 blind or have other severe disabilities.

#### Regulatory Flexibility Act Certification

I certify that the following action will  
 not have a significant impact on a  
 substantial number of small entities.  
 The major factors considered for this  
 certification were:

1. If approved, the action will not  
 result in any additional reporting,  
 recordkeeping or other compliance

requirements for small entities other  
 than the small organizations that will  
 furnish the products and service to the  
 Government.

2. If approved, the action will result  
 in authorizing small entities to furnish  
 the products and service to the  
 Government.

3. There are no known regulatory  
 alternatives which would accomplish  
 the objectives of the Javits-Wagner-  
 O'Day Act (41 U.S.C. 46–48c) in  
 connection with the products and  
 service proposed for addition to the  
 Procurement List.

Comments on this certification are  
 invited. Commenters should identify the  
 statement(s) underlying the certification  
 on which they are providing additional  
 information.

#### End of Certification

The following products and service  
 are proposed for addition to  
 Procurement List for production by the  
 nonprofit agencies listed:

#### Products

NSN: 6850-01-167-0678—Cleaner, Brake  
 Parts  
 NPA: Lighthouse for the Blind, St. Louis, MO  
*Contracting Activity:* Defense Logistics  
 Agency, Defense Supply Center Columbus  
*COVERAGE:* C-list for the total  
 requirement of the Defense Supply Center  
 Columbus, Columbus, OH.  
 NSN: 7510-00-NIB-0869—Tape, Package  
 Sealing Pack w/Pistol Grip Dispenser  
 NSN: 7510-00-NIB-0870—Tape, Package  
 Sealing Pack w/Handheld Dispenser  
 NSN: 7510-00-NIB-0871—Tape, Package  
 Sealing Prepack Commercial Grade  
 NSN: 7510-00-NIB-0872—Tape, Packaging  
 Sealing Prepack Economy Grade  
 NPA: Cincinnati Association for the Blind,  
 Cincinnati, OH  
*Contracting Activity:* Federal Acquisition  
 Service, GSA/FSS OFC SUP CTR—Paper  
 Products  
*COVERAGE:* A-List for the total  
 Government requirement as aggregated by the  
 General Services Administration.  
 NSN: 7530-00-NIB-0880—Self-Stick Table  
 Top Easel Pad  
 NPA: Assoc f/t Blind & Visually Impaired &  
 Goodwill Ind of Greater Rochester,  
 Rochester, NY  
*Contracting Activity:* Federal Acquisition  
 Service, GSA/FSS OFC SUP CTR—Paper  
 Products  
*COVERAGE:* A-List for the total  
 Government requirement as aggregated by the  
 General Services Administration.  
 NSN: 8105-00-NIB-1281—Bag, Trash, Insect  
 Repellent  
 NSN: 8105-00-NIB-1282—Bag, Trash, Insect  
 Repellent  
 NSN: 8105-00-NIB-1283—Bag, Trash, Insect  
 Repellent  
 NSN: 8105-00-NIB-1284—Bag, Trash, Insect  
 Repellent  
 NSN: 8105-00-NIB-1285—Bag, Trash, Insect  
 Repellent

NSN: 8105-00-NIB-1286—Bag, Trash, Insect Repellent  
 NSN: 8105-00-NIB-1287—Bag, Trash, Insect Repellent  
 NSN: 8105-00-NIB-1288—Bag, Trash, Insect Repellent

NPA: Envision, Inc., Wichita, KS

Contracting Activity: Federal Acquisition Service, GSA/FSS OFC SUP CTR—Paper Products

COVERAGE: B-List for the broad Government requirement as aggregated by the General Services Administration.

#### Service

Service Type/Location: Custodial Services, Camp Bullis Gymnasium—Building 5031, 6929 Camp Bullis Rd, Camp Bullis, TX

NPA: Professional Contract Services, Inc., Austin, TX

Contracting Activity: DEPT OF THE ARMY, XR W6BB ACA SAM HOUSTON.

**Barry S. Lineback,**

*Director, Business Operations.*

[FR Doc. E9-9455 Filed 4-23-09; 8:45 am]

BILLING CODE 6353-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 09-C0018]

### Mega Brands America, Inc. f/k/a Rose Art Industries, Inc., Provisional Acceptance of a Settlement Agreement and Order

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**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 1118.20(e). Published below is a provisionally accepted Settlement Agreement with Mega Brands America, Inc. f/k/a Rose Art Industries, Inc., containing a civil penalty of \$1,100,000.00.

**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 May 11, 2009.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 09-C0018, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 502, Bethesda, Maryland 20814-4408.

**FOR FURTHER INFORMATION CONTACT:** Michelle Faust Gillice, Trial Attorney, Division of Compliance, Office of the

General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408; telephone (301) 504-7667.

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

Dated: April 20, 2009.

**Todd A. Stevenson,**  
*Secretary.*

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

1. This Settlement Agreement ("Agreement") is made by and between the staff (the "staff") of the U.S. Consumer Product Safety Commission (the "Commission") and Mega Brands America, Inc., f/k/a Rose Art Industries, Inc., in accordance with 16 CFR 1118.20 of the Commission's Procedures for Investigations, Inspections and Inquiries under the Consumer Product Safety Act ("CPSA"). This Agreement and the incorporated attached Order resolve the staff's allegations set forth below.

#### The Parties

2. The Commission is an independent federal regulatory agency responsible for the enforcement of the CPSA, 15 U.S.C. 2051-2089.

3. Mega Brands America, Inc. ("Mega Brands America") f/k/a Rose Art Industries, Inc. ("Rose Art") is a New Jersey corporation, with its principal office located in Livingston, NJ. Rose Art was wholly owned by Jeffrey Rosen, Lawrence Rosen, and Sydney Rosen until purchased by Mega Bloks, Inc. (a Canadian corporation) on July 26, 2005. Pursuant to the terms of the purchase agreement, Mega Bloks, Inc. could not assume operational control of Rose Art until December 31, 2005. Thereafter, Jeffrey Rosen and Lawrence Rosen remained in senior management positions at Rose Art until their respective departures on April 3, 2006 and May 9, 2006. On June 15, 2006, Rose Art was renamed "Mega Brands America".

4. Mega Brands, Inc. f/k/a Mega Bloks, Inc. ("Mega Brands") is a Canadian corporation located in Montreal, Quebec, Canada. Mega Brands is the parent company of Mega Brands America.

5. At all times relevant herein, Rose Art designed and manufactured the Magnetix magnet toys subject to this Settlement Agreement and Order.

#### Staff Allegations

6. Between January 2003 and December 2005, Rose Art manufactured and/or imported Magnetix magnetic

building sets (hereinafter "Magnetix set(s)" or "the set(s).")<sup>1</sup>

7. Magnetix sets are "children's product[s]" and "consumer product[s]" and, at the times relevant herein, Rose Art was a "manufacturer" of "children's product[s]" and "consumer product[s]" which were "distributed in commerce" as those terms are defined in sections 3(a)(2), (5), (8), and (11) of the CPSA, 15 U.S.C. 2052(a)(2), (5), (8) and (11).

8. The Magnetix sets are defective because magnets embedded in small plastic pieces contained in the sets could come loose and fall out of the plastic casing.

9. This defect creates a substantial risk of injury to children under section 15(c) of the Federal Hazardous Substances Act, 15 U.S.C. 1274(c) because, if two or more magnets (or one magnet and one metallic ball) from a set are ingested by a child, they can attract each other through intestinal walls, causing perforations, twisting and/or blockage of the intestines, infection, blood poisoning and death.

10. On December 14, 2005, Rose Art filed an "initial report" pursuant to section 15(b) of the CPSA, 15 U.S.C. 2064(b), concerning the death of a 22 month old child who died on November 24, 2005. The child had ingested multiple magnets from a Magnetix set on separate occasions which subsequently joined together in his small intestine, causing a blockage and sepsis, which led to his death. Rose Art's report identified the product as a Magnetix "X-treme Combo Flashing Lights Castle." The firm attributed the release of magnets from the plastic pieces to unusually abusive play by the decedent's older siblings. The initial report essentially contained no other information.

11. At the time of its initial report, Rose Art was in possession of at least one report of a child suffering an unspecified injury from ingesting a magnet from a Magnetix set and over 1100 consumer complaints that magnets had come loose or fallen out of plastic pieces from dozens of different Magnetix models, but failed to include that information in its report as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

12. On January 13, 2006, CPSC staff sent Rose Art a letter requesting a Full Report pursuant to 16 CFR 1115.13(d). Requested information included copies of the following: Product liability suits and/or claims of personal injury;

<sup>1</sup> Magnetix sets continued to be manufactured after 2005, however due to manufacturing and design improvements instituted by Mega Brands America, these sets are not the subject of the allegations set forth in this Agreement.