

address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief, and may make rebuttal presentations only on arguments included in that party's rebuttal brief.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: January 20, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 04-1697 Filed 1-26-02; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 011204C]

#### Caribbean Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Caribbean Fishery Management Council's Habitat Advisory Panel (HAP), and the Scientific and Statistical Committee (SSC) will hold meetings.

**DATES:** The HAP/SSC meetings will be held on February 11-12, 2004. The HAP/SSC will convene on Wednesday, February 11, 2004, from 10 a.m. until 5 p.m., and will reconvene on Thursday, February 12, 2004, from 9 a.m. to 12 noon, approximately.

**ADDRESSES:** The meetings will be held at the Embassy Suites Hotel, #8000, Tartak St., Isla Verde, Carolina, Puerto Rico 00979.

**FOR FURTHER INFORMATION CONTACT:** Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918-1920, telephone: (787) 766-5926.

**SUPPLEMENTARY INFORMATION:** The HAP and the SSC will meet to discuss the items contained in the following agenda:

1. Review draft response from the Caribbean Council and NOAA Fisheries to public comments, and recommend changes as appropriate to the essential fish habitat/environmental impact statement (EFH/EIS).
2. Review draft revisions to EIS, resulting from public comments and

internal review, and recommend changes as appropriate to the EFH/EIS.

#### 3. Other.

The meetings are open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/or other auxiliary aids, please contact Mr. Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico, 00918-1920, telephone (787) 766-5926, at least 5 days prior to the meeting date.

Dated: January 21, 2004.

**Peter H. Fricke,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 04-1692 Filed 1-26-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 012104A]

#### New England Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Enforcement Oversight Committee and Advisory Panel in February, 2004. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meeting will be held on Thursday, February 12, 2004 at 9:30 a.m.

**ADDRESSES:** The meeting will be held at the NMFS Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930; telephone: (978) 281-9300.

*Council address:* New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The panels will review and approve the Herring Enforcement Analysis and discuss other business.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: January 21, 2004.

**Peter H. Fricke,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 04-1693 Filed 1-26-04; 8:45 am]

**BILLING CODE 3510-22-S**

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 04-C0002]

### E&B Giftware, LLC, 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 E&B

Giftware, LLC., containing a civil penalty of \$100,000.

**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 February 11, 2004.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to Comment 04-C0002, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:** Michelle F. Gillice, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7667.

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

Dated: January 20, 2004.

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

### Settlement Agreement and Order

1. E&B Giftware, LLC enters into this Settlement Agreement and Order (hereinafter, "Settlement Agreement" or "Agreement") with the staff of the Consumer Product Safety Commission (the "Commission"), and agrees to the entry of the attached Order incorporated by reference herein. The Settlement Agreement settles the Commission staff's allegations set forth below.

#### I. The Parties

2. The Commission is an independent federal regulatory agency responsible for the enforcement of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. 2051 *et seq.*

3.(a) E&B Giftware, LLC, established in June 2000, is a limited liability company, organized and existing under the laws of the State of Delaware, with its principal office located at 4 Executive Plaza, Yonkers, New York, 10701.

(b) Sun-It Corporation ("Sun-It") was a partially-owned subsidiary of E&B Giftware, Inc. ("Giftware, Inc.").

(c) E&B Giftware, Inc. owned 80% of the stock of Sun-It at the time of the events discussed in this Agreement. Without admitting that it is a successor in interest, E&B Giftware, LLC (hereinafter, "Respondent") agrees to be bound by and comply with this Settlement Agreement and Order.

#### II. Staff Allegations

4. Between February 1997 and September 1997, Sun-It (a subsidiary of E&B Giftware, Inc.) manufactured and

distributed approximately 47,000 "Money to Burn Torch" citronella candles ("candles"), style number 330N.

5. The candles were sold to and/or used by consumers for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise and are, therefore, "consumer products" as defined in section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1). Sun-It was a "manufacturer" and "distributor" of the candles which were "distributed into commerce" as those terms are defined in sections 3(a)(4), (5), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(4), (5), (11) and (12).

6. The candle is defective because the wrapper which surrounds the candle traps a pool of hot wax which becomes super heated. Consumers were exposed to a burn risk because the candles could release molten wax when the consumer blew on the candle in an attempt to extinguish it, bumped into the candle, or when the candle unexpectedly flared up.

7. Between May 1997 and October 1997, E&B Giftware, Inc. through its subsidiary Sun-It, received notice of fourteen incidents in which consumers suffered serious burns. Several consumers reported that the burns left permanent scarring. One consumer reported receiving third degree burns.

8. In the fall of 1997, E&B Giftware, Inc. approved of Sun-It's decision to stop sale of the candles and notify retailers to return candles in their inventory. Sun-It contacted the retailers to recall the candles.

9. Respondent claims that 13,424 candles were returned and subsequently destroyed along with 3,382 units of unshipped inventory. E&B Giftware, Inc. received notice of another three incidents after its unilateral recall. In one of these post recall incidents, a consumer reported receiving third degree burns.

10. On August 24, 1999, the Commission contacted E&B Giftware, Inc. regarding two incidents that it had become aware of and requested that E&B Giftware, Inc. submit a full report pursuant to Section 15 of the CPSA.

11. E&B Giftware, Inc. provided a full report on September 27, 1999.

12. By the time E&B Giftware, Inc. initiated a stop sale and recall of inventory in the fall of 1997, it had obtained information which reasonably supported the conclusion that the candles described in paragraph 4 above contained a defect which could create a substantial product hazard or created an unreasonable risk of serious injury or death, but failed to report such information in a timely manner to the Commission as required by sections

15(b)(2) and (3) of the CPSA, 15 U.S.C. 2064(b)(2), (3).

13. By failing to provide the information to the Commission in a timely manner as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b), E&B Giftware, Inc. violated 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

14. E&B Giftware, Inc. committed this failure to report to the Commission "knowingly" as the term "knowingly" is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d), thus, subjecting E&B Giftware to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069.

#### III. E&B Giftware LLC Response

15. Respondent denies the staff's allegations in paragraph 6 that the candles were defective and that it violates the CPSA as set forth in paragraphs 12 through 14.

#### IV. Agreement of the Parties

16. The Consumer Product Safety Commission has jurisdiction over this matter and over E&B Giftware, LLC under the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*

17. This Agreement is entered into for settlement purposes only and does not constitute an admission by Respondent or a determination by the Commission that E&B Giftware, Inc. knowingly violated the CPSA's reporting requirement.

18. In settlement of the staff's allegations, Respondent agrees to pay a civil penalty of one hundred thousand and 00/100 dollars (\$100,000.00), in full settlement of this matter, and payable within twenty (20) calendar days of receiving service of the final Settlement Agreement and Order, or by December 31, 2003, whichever occurs later.

19. Upon final acceptance of this Agreement by the Commission and issuance of the Final Order, Respondent knowingly, voluntarily, and completely waives any rights it may have in this matter (1) to an administrative hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission as to whether Respondent failed to comply with CPSA and the underlying regulations, (4) to a statement of findings of fact and conclusions of law and (5) to any claims under the Equal Access to Justice Act.

20. Upon provisional acceptance of this Agreement by the Commission, this Agreement shall be placed on the public record and shall be published in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e). If the Commission does not receive any written objections within 15

days, the Agreement will be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**.

21. The Commission may publicize the terms of the Settlement Agreement and Order.

22. The Commissioner's Order in this matter is issued under the provisions of the CPSA, 15 U.S.C. 2051 *et seq.* Violation of this Order may subject Respondent to appropriate legal action.

23. This Settlement Agreement may be used in interpreting the Order. Agreements, understandings, representations, or interpretations apart from those contained in this Settlement Agreement and Order may not be used to vary or contradict its terms.

24. The provisions of this Settlement Agreement and Order shall apply to E&B Giftware, LLC and each of its successors and assigns.

E&B Giftware, LLC.

Dated: November 10, 2003

Edward Sacks,

*Chief Executive Officer.*

William Walsh,

*Esquire, Respondent's Attorney.*

The U.S. Consumer Product Safety Commission.

Alan H. Schoem,

*Director, Office of Compliance.*

Eric L. Stone,

*Director, Legal Division, Office of Compliance.*

January 16, 2004.

Michelle F. Gillice,

*Trial Attorney, Legal Division, Office of Compliance.*

## Order

Upon consideration of the Settlement Agreement between Respondent E&B Giftware, LLC and the staff of the Consumer Product Safety Commission, and the Commission having jurisdiction over the subject matter and over E&B Giftware LLC, and it 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 E&B Giftware, LLC shall pay the United States Treasury a civil penalty in the amount of one hundred thousand and 00/100 dollars, (\$100,000.00), payable within twenty (20) days of the service of the Final Order upon E&B Giftware, LLC, or by December 31, 2003, whichever occurs later.

Provisionally accepted and Provisional Order issued on the 20th day of January, 2004.

By Order of the Commission.

**Todd A. Stevens,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 04-1607 Filed 1-26-04; 8:45 am]

**BILLING CODE 6355-01-M**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Revision of Currently Approved Information Collection; Comment Request

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed. This form is available in alternate formats. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 606-5256 between the hours of 9 a.m. and 4:30 p.m. Eastern time, Monday through Friday.

Currently, the Corporation is soliciting comments concerning the revision of its AmeriCorps Alumni Profile Cards (OMB Control Number 3045-0048 Part A, Part B, and Part C with an expiration date of 03/31/2004). Copies of the information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section by March 29, 2004.

**ADDRESSES:** You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Attn: Mr. Brian Harvey, AmeriCorps Recruitment, Selection and Placement Office, Room 8705-A, 1201 New York Avenue, NW., Washington, DC., 20525.

(2) By hand delivery or by courier to the Corporation's mailroom, Room 6010, at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) By fax to: (202) 565-2794, Attn: Mr. Brian Harvey, AmeriCorps Recruitment, Selection and Placement Office.

(4) Electronically through the Corporation's e-mail address system: [bharvey@cns.gov](mailto:bharvey@cns.gov).

### FOR FURTHER INFORMATION CONTACT:

Brian Harvey, (202) 606-5000, ext. 492, or e-mail to [bharvey@cns.gov](mailto:bharvey@cns.gov).

**SUPPLEMENTARY INFORMATION:** The Corporation is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

### Background

The Corporation proposes to send out AmeriCorps Alumni Profile Cards to former AmeriCorps and VISTA members' home addresses requesting that they complete the card and return it to the AmeriCorps Recruitment Office. The card will be used by Corporation personnel and other organizations (only with the explicit written permission of the respondent). The purpose of the card is to enhance communications between the Corporation and former AmeriCorps members to provide them with information on Corporation activities, and to seek their assistance in volunteer recruitment activities.

### Current Action

The Corporation proposes to revise the AmeriCorps Alumni Profile Card by changing the name to more accurately describe the information collection and to include the members who served in all AmeriCorps programs. In addition, the Corporation will delete unused