

17. The Commission staff tested 12 drum sets in April 2002 and tested another 12 drum sets in October 2002, pursuant to 16 CFR 1501, and on neither occasion did the drumsticks produce small parts.

18. Outside laboratories employed by various customers of Respondent tested the drum sets pursuant to 16 CFR 1501 and none of the drumsticks produced small parts.

19. Because testing results always evidenced compliance with the Commission's small parts regulations, Respondent believes the drumsticks can not be considered defective under 15 U.S.C. 2064.

20. Respondent further alleges that at no time did its products injure or choke a child or present a risk of a choking, aspiration or ingestion hazard to children.

#### IV. Agreement of The Parties

21. The Consumer Product Safety Commission has jurisdiction over this matter and over Respondent under the Consumer Product Safety Act, 15 U.S.C. 2051–2084.

22. Respondent agrees to be bound by, and comply with, this Settlement Agreement and Order.

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

24. In settlement of the staff's allegations, Respondent agrees to pay in three installments a civil penalty of one hundred and twenty-five thousand 00/100 dollars (\$125,000.00) in full settlement of this matter. The first payment of \$41,000.00 shall be paid within twenty (20) calendar days of service of the final Settlement Agreement and Order. The second payment of \$41,000.00 shall be paid within 110 days of such service. The third and final payment of \$43,000.00 shall be paid within 200 days of such service.

25. 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**.

26. 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 conclusion of law, and (5) to any claims under the Equal Access to Justice Act.

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

28. The Commission's Order in this matter is issued under the provisions of the CPSA, 15 U.S.C. 2051–2084. Violation of this Order may subject Respondent to appropriate legal action.

29. 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.

30. If, after the effective date hereof, any provision of this Settlement Agreement and Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Settlement Agreement and Order, such provision shall be fully severable. The rest of the Settlement Agreement and Order shall remain in full effect, unless the Commission and Respondent determine that severing the provision materially affects the purpose of the Settlement Agreement and Order.

31. This Settlement Agreement and Order shall not be waived, changed, amended, modified, or otherwise altered, except in writing executed by the party against whom such amendment, modification, alteration, or waiver is sought to be enforced and approved by the Commission.

32. The provisions of this Settlement Agreement and Order shall apply to Respondent and each of its successors and assigns.

Dated: July 22, 2004.

Battat Incorporated

Joseph Battat,

*President.*

Aaron Locker,

*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.*

Dated: July 30, 2004.

Michelle Faust Gillice,

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

#### Order

Upon consideration of the Settlement Agreement between Respondent Battat Incorporated and the staff of the Consumer Product Safety Commission, and the Commission having jurisdiction over the subject matter and over Battat Incorporated, 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 Battat Incorporated shall pay the United States Treasury in three installments a civil penalty in the amount of one hundred and twenty-five thousand and 00/100 dollars, (\$125,000.00). The first payment of \$41,000.00 shall be paid within twenty (20) calendar days of service of the final Settlement Agreement and Order. The second payment of \$41,000.00 shall be paid within 110 days of such service. The third and final payment of \$43,000.00 shall be paid within 200 days of such service. Upon the failure of Respondent Battat Incorporated to make a payment or upon the making of a late payment by Respondent Battat Incorporated (a) the entire amount of the civil penalty shall be due and payable, and (b) interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. 1961(a) and (b).

Provisionally accepted and Provisional Order issued on the 13th day of September, 2004.

By Order of the Commission:

Todd A. Stevenson,

*Secretary Consumer Product Safety Commission.*

[FR Doc. 04–21025 Filed 9–17–04; 8:45 am]

BILLING CODE 6355–01–M

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Information Collection; Submission for OMB Review; Comment Request

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

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation"), has submitted a public information collection request (ICR) entitled AmeriCorps Alumni Profile Card to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. Chapter 35). Copies of this

ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Mr. Tim McManus at (202) 606-5000, ext. 221, or by e-mail to: [tmcmanus@cns.gov](mailto:tmcmanus@cns.gov). Individuals who use a telecommunications device for the deaf (TTY-TDD) may call (202) 565-2799 between 8:30 a.m. and 5 p.m. e.s.t., Monday through Friday.

**ADDRESSES:** Comments may be submitted, identified by the title of the information collection activity, to the Office of information and Regulatory Affairs, Attn: Ms. Katherine Astrich, OMB Desk Office for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in this **Federal Register**.

(1) By fax to: (202) 395-6974, Attention: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service; and

(2) Electronically by e-mail to: [Katherine\\_T.\\_Astrich@omb.eop.gov](mailto:Katherine_T._Astrich@omb.eop.gov).

The initial 60-day public **Federal Register** notice for the AmeriCorps Alumni Profile Card was published in the **Federal Register** on January 27, 2004. This comment period ended on March 29, 2004; no comments were received.

**SUPPLEMENTARY INFORMATION:** The OMB 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 Corporation's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose ways to 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.

*Type of Review:* Reinstatement, with change, of a previously approved collection for which approval has expired.

*Agency:* Corporation for National and Community Service.

*Title:* AmeriCorps Alumni Profile Card. (Previously named the AmeriCorps\*VISTA Locator Card.)

*OMB Number:* 3045-0048.

*Agency Number:* None.

*Affected Public:* Individuals and households.

*Total Respondents:* 12,000.

*Frequency:* Continuous.

*Average Time Per Response:* 4 minutes.

*Estimated Total Burden Hours:* 800 hours.

*Total Burden Cost (Capital/Startup):* None.

*Total Burden Cost (Operating/Maintenance):* None.

*Description:* The Corporation proposes to reinstate, with change, the AmeriCorps Alumni Profile Card to send 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.

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 information from the existing version of the card, including removing questions pertaining to meeting facilities and housing and collecting the following data from the former member:

- The exact dates of service from the person filling out the AmeriCorps Alumni Profile Card.
- Detailed information about the person's current interests, occupation and expertise.
- Collecting the person's cell phone number for those who prefer to be contacted in that manner.

The Corporation also plans to gather additional information about former members' current education levels. This will help the Corporation to more accurately gear communication to former members who may be interested in furthering their education or who may benefit from a particular new initiative.

Further, the Corporation proposes to revise the AmeriCorps Alumni Profile Card by asking former members to identify their involvement with the Corporation or community.

Dated: August 13, 2004.

**Timothy J. McManus,**

*Director, AmeriCorps Recruitment.*

[FR Doc. 04-21043 Filed 9-17-04; 8:45 am]

**BILLING CODE 6050--\$-P**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before November 19, 2004.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be