

(3) Reimburse retailers for expenses in connection with carrying out any Commission Order issued in this matter, including the costs of returns, refunds, and/or replacements, as provided by Section 15 U.S.C. 2064(e)(2);

(4) Submit a plan satisfactory to the Commission, within ten (10) days of service of the Final Order, directing that actions specified in Paragraphs B(1) through (5) and C(1) through (3) above be taken in a timely manner;

(5) To submit monthly reports, in a format satisfactory to the Commission, documenting the progress of the corrective action program;

(6) For a period of five (5) years after issuance of the Final Order in this matter, to keep records of its actions taken to comply with Paragraphs B(1) through (5) and C(1) through (4) above, and supply these records to the Commission for the purpose of monitoring compliance with the Final Order;

(7) For a period of five (5) years after issuance of the Final Order in this matter, to notify the Commission at least sixty (60) days prior to any change in its business (such as incorporation, dissolution, assignment, sale, or petition for bankruptcy) that results in, or is intended to result in, the emergence of a successor corporation, going out of business, or any other change that might affect compliance obligations under a Final Order issued by the Commission in this matter; and

D. Order that Respondent shall take other and further actions as the Commission deems necessary to protect the public health and safety and to comply with the CPSA.

ISSUED BY ORDER OF THE COMMISSION:

Dated this 6th day of August 2012.

By: Kenneth Hinson,  
Executive Director, U.S. Consumer Product Safety Commission, Bethesda, MD 20814,  
Tel: (301) 504-7854.

Mary Murphy,  
Assistant General Counsel, Division of Compliance, Office of General Counsel, U.S. Consumer Product Safety Commission,  
Bethesda, MD 20814, Tel: (301) 504-7809.

Jennifer Argabright,  
Trial Attorney.  
Sarah Wang,  
Trial Attorney, Complaint Counsel, Division of Compliance, Office of the General Counsel, U.S. Consumer Product Safety Commission,  
Bethesda, MD 20814, Tel: (301) 504-7808.

#### Certificate of Service

I hereby certify that on August 6th, 2012, I served the foregoing Complaint upon all parties of record in these proceedings by mailing, certified mail, postage prepaid, a copy to each at their

principal place of business, and emailing a courtesy copy, as follows:  
Shihan Qu, Founder, Zen Magnets, LLC,  
4155 E. Jewell Avenue, Suite 908,  
Denver, CO 80222,  
shihanqu@gmail.com.

Complaint Counsel for U.S. Consumer Product Safety Commission.

[FR Doc. 2012-19693 Filed 8-9-12; 8:45 am]

BILLING CODE 6355-01-P

#### CONSUMER PRODUCT SAFETY COMMISSION

##### Sunshine Act Meetings

##### FEDERAL REGISTER CITATION OF PREVIOUS

**ANNOUNCEMENT:** Vol. 77 No. 152, Tuesday, August 7, 2012, page 47047.

##### ANNOUNCED TIME AND DATE OF OPEN

**MEETING:** 3:30 p.m.-5:30 p.m., Thursday, August 9, 2012.

##### CHANGES TO OPEN MEETING: REVISED TIME:

Time changed to 3 p.m.-5 p.m., Thursday, August 9, 2012.

For a recorded message containing the latest agenda information, call (301) 504-7948.

##### CONTACT PERSON FOR ADDITIONAL

**INFORMATION:** Todd A. Stevenson, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: August 8, 2012.

**Todd A. Stevenson,**  
Secretary.

[FR Doc. 2012-19786 Filed 8-8-12; 4:15 pm]

BILLING CODE 6355-01-P

#### DEPARTMENT OF DEFENSE

##### Department of the Air Force

##### Record of Decision for F35A Training Basing Final Environmental Impact Statement

**ACTION:** Notice of Availability (NOA) of a Record of Decision (ROD).

**SUMMARY:** On August 1, 2012, the United States Air Force signed the ROD for the F35A Training Basing Final Environmental Impact Statement (FEIS). The ROD states the Air Force decision to implement the Preferred Alternative to beddown 72 F35A Primary aircraft authorized (PAA) training aircraft at Luke Air Force Base, Arizona.

The decision was based on matters discussed in the FEIS, inputs from the public and regulatory agencies, and other relevant factors. The FEIS was made available to the public on June 15, 2012 through a NOA in the **Federal**

**Register** (Volume 77, Number 116, Page 35961) with a wait period that ended on July 15 2012. The ROD documents only the decision of the Air Force with respect to the proposed Air Force actions analyzed in the FEIS. Authority: This NOA is published pursuant to the regulations (40 CFR Part 1506.6) implementing the provisions of the NEPA of 1969 (42 USC. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (EIAP) (32 CFR Parts 989.21(b) and 989.24(b)(7)).

**FOR FURTHER INFORMATION CONTACT:** Ms. Kim Fornof, 266 F Street West, Building 901, Randolph AFB, 78150-4319, (210) 652-1961, [aetc.a7cp.inbox@us.af.mil](mailto:aetc.a7cp.inbox@us.af.mil).

**Henry Williams Jr.,**

*Acting Air Force Federal Register Liaison Officer.*

[FR Doc. 2012-19674 Filed 8-9-12; 8:45 am]

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#### DEPARTMENT OF DEFENSE

##### Department of the Army

##### Inland Waterways Users Board; Request for Nominations

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice.

**SUMMARY:** Section 302 of Public Law 99-662 established the Inland Waterways Users Board. The Board is an independent Federal advisory committee. The Secretary of the Army appoints its 11 (eleven) representative organizations. This notice is to solicit nominations for 11 appointments to two-year terms that will begin after February 23, 2013.

**ADDRESSES:** Institute for Water Resources, U.S. Army Corps of Engineers, Attention: Inland Waterways Users Board Nominations Committee, Mr. Mark R. Pointon, 7701 Telegraph Road, Casey Building, Alexandria, Virginia 22315-3868.

**FOR FURTHER INFORMATION CONTACT:** Institute for Water Resources, U.S. Army Corps of Engineers, Mr. Mark R. Pointon, (703) 428-6438.

**SUPPLEMENTARY INFORMATION:** The selection, service, and appointment of representative organizations to the Board are covered by provisions of Section 302 of Public Law 99-662. The substance of those provisions is as follows:

*a. Selection.* Representative organizations are to be selected from the spectrum of commercial carriers and shippers using the inland and intracoastal waterways, to represent geographical regions, and to be

representative of waterborne commerce as determined by commodity ton-miles and tonnage statistics.

*b. Service.* The Board is required to meet at least semi-annually to develop and make recommendations to the Secretary of the Army on waterways construction and rehabilitation priorities and spending levels for commercial navigation improvements, and report its recommendations annually to the Secretary and Congress.

*c. Appointment.* The operation of the Board and appointment of representative organizations are subject to the Federal Advisory Committee Act (Pub. L. 92-463, as amended) and departmental implementing regulations. Representative organizations serve without compensation but their expenses due to Board activities are reimbursable. The considerations specified in Section 302 for the selection of representative organizations to the Board, and certain terms used therein, have been interpreted, supplemented, or otherwise clarified as follows:

(1) *Carriers and Shippers.* The law uses the terms “primary users and shippers.” Primary users have been interpreted to mean the providers of transportation services on inland waterways such as barge or towboat operators. Shippers have been interpreted to mean the purchasers of such services for the movement of commodities they own or control. Representative firms are appointed to the Board, and they must be either a carrier or shipper or both. For that purpose a trade or regional association is neither a shipper nor primary user.

(2) *Geographical Representation.* The law specifies “various” regions. For the purposes of the Board, the waterways subjected to fuel taxes and described in Public Law 95-502, as amended, have been aggregated into six regions. They are (1) the Upper Mississippi River and its tributaries above the mouth of the Ohio; (2) the Lower Mississippi River and its tributaries below the mouth of the Ohio and above Baton Rouge; (3) the Ohio River and its tributaries; (4) the Gulf Intracoastal Waterway in Louisiana and Texas; (5) the Gulf Intracoastal Waterway east of New Orleans and associated fuel-taxed waterways including the Tennessee-Tombigbee, plus the Atlantic Intracoastal Waterway below Norfolk; and (6) the Columbia-Snake Rivers System and Upper Willamette. The intent is that each region shall be represented by at least one representative organization, with that representation determined by the regional concentration of the firm’s traffic on the waterways.

(3) *Commodity Representation.* Waterway commerce has been aggregated into six commodity categories based on “inland” ton-miles shown in Waterborne Commerce of the United States. These categories are (1) Farm and Food Products; (2) Coal and Coke; (3) Petroleum, Crude and Products; (4) Minerals, Ores, and Primary Metals and Mineral Products; (5) Chemicals and Allied Products; and (6) All Other. A consideration in the selection of representative organizations to the Board will be that the commodities carried or shipped by those firms will be reasonably representative of the above commodity categories.

*d. Nomination.* Reflecting preceding selection criteria, the current representation by the ten (10) organizations whose terms expire includes all Regions 1–6, all carrier and/or shipper representation and all commodity representation.

All ten representative organizations whose interim terms expire are eligible for consideration. Individuals, firms or associations may nominate representative organizations to serve on the Board. Nominations will:

(1) Include the commercial operations of the carrier and/or shipper representative organization being nominated. This commercial operations information will show the actual or estimated ton-miles of each commodity carried or shipped on the inland waterways system in a recent year (or years), using the waterway regions and commodity categories previously listed.

(2) State the region(s) to be represented.

(3) State whether the nominated representative organization is a carrier, shipper or both.

(4) Provide the name of an individual to be the principle person representing the organization and information pertaining to their personal qualifications, to include a bio or a resume.

Previous nominations received in response to notices published in the **Federal Register** in prior years will not be retained for consideration. Renomination of representative organizations is required.

*e. Deadline for Nominations.* All nominations must be received at the address shown above no later than October 1, 2012.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2012-19622 Filed 8-9-12; 8:45 am]

**BILLING CODE 3720-58-P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare an Environmental Impact Statement for the Kissimmee Basin Modified Water Control Plan, Okeechobee, Highlands, Polk, Osceola and Orange Counties, FL

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

**ACTION:** Notice of Intent.

**SUMMARY:** The Jacksonville District, U.S. Army Corps of Engineers intends to prepare the Kissimmee Basin Modified Water Control Plan (KBMWCP) & Environmental Impacts Statement (EIS) to achieve a more acceptable balance among flood control, water supply, aquatic plant management, and natural resources. This document will include the operating criteria results of the Kissimmee Basin Modeling Operations Study (KB MOS) and the Lower Kissimmee River Operations Study (LKROS). The KBMWCP and EIS study is a cooperative effort between the U.S. Army Corps of Engineers and the South Florida Water Management District (SFWMD).

**ADDRESSES:** U.S. Army Corps of Engineers, Planning Division, Environmental Branch, P.O. Box 4970, Jacksonville, FL 32232-0019.

**FOR FURTHER INFORMATION CONTACT:** Diana Martuscelli by email at [kbmwcp@usace.army.mil](mailto:kbmwcp@usace.army.mil) or by telephone at 904-232-1877.

#### **SUPPLEMENTARY INFORMATION:**

a. This Notice of Intent (NOI) constitutes a re-issue of the NOI titled: Intent To Prepare a Draft Environmental Impact Statement for the Modification of the Kissimmee Basin Structure Operating Criteria published in the **Federal Register** on August 3, 2005 (70 FR 44584).

b. The authorities to conduct this comprehensive analysis were granted under Section 1135 of the 1986 Water Resources Development Act (WRDA) and the 1992 WRDA.

c. Historically, lake levels within the Kissimmee Chain of Lakes (KCOL) fluctuated within a range of two to ten feet. The lakes had limited outflow capacities and functioned as natural detention reservoirs, allowing water storage in the wet season and continual release of water throughout the year. Under these natural conditions, lake levels would rise in the wet season and overflow to adjoining lands, creating broad, marshy connections between the lakes. These marshes were used by fish and wildlife for spawning and foraging.