

modification, or alteration is sought to be enforced.

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

Excelligence Learning Corporation

Dated: 10-28-08

By:

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*Kelly Crampton, Chief Executive Officer  
Excelligence Learning Corporation  
d/b/a Discount School Supply  
2 Lower Ragsdale Drive, Suite 200  
Monterey, CA 93940*

Dated: 10-27-08

By:

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*Jonathan I. Price, Esq.  
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The New York Times Building  
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New York, NY 10018-1405  
Counsel for Excelligence Learning  
Corporation*

U.S. Consumer Product Safety Commission  
Staff

*Cheryl A. Falvey  
General Counsel  
Office of the General Counsel*

*Ronald G. Yelenik  
Assistant General Counsel  
Division of Compliance  
Office of the General Counsel  
Dated: 11-17-09*

By:

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*M. Reza Malihi, Trial Attorney  
Division of Compliance  
Office of the General Counsel*

### **United States of America Consumer Product Safety Commission**

#### **CPSC Docket No. 10-C0001**

*In the Matter of: Excelligence Learning  
Corporation D/B/A Discount School  
Supply*

#### **Order**

Upon consideration of the Settlement Agreement entered into between Excelligence Learning Corporation, d/b/a Discount School Supply ("Excelligence") and the U.S. Consumer Product Safety Commission ("Commission") staff, and the Commission having jurisdiction over the subject matter and over Excelligence, and it appearing that the Settlement Agreement and Order are in the public interest, it is

Ordered, that the Settlement Agreement be, and hereby is, accepted; and it is Further ordered, that Excelligence shall pay a civil penalty in the amount of twenty five thousand dollars (\$25,000.00) within twenty (20) calendar days of service of the Commission's final Order accepting the Agreement. The payment shall be made by check payable to the order of the United States Treasury. Upon the failure of Excelligence to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Excelligence 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 4th day of December 2009.

By Order of the Commission:

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Todd A. Stevenson, Secretary  
U.S. Consumer Product Safety Commission  
[FR Doc. E9-29943 Filed 12-15-09; 8:45 am]  
**BILLING CODE 6355-01-P**

## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

#### **Defense Advisory Committee on Military Personnel Testing; Meeting**

**AGENCY:** Under Secretary of Defense for Personnel and Readiness, DoD.

**ACTION:** Meeting notice.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, DoD announces that the Defense Advisory Committee on Military Personnel Testing will meet on January 21 and 22, 2010, to review planned changes and progress in developing computerized and paper-and-pencil enlistment tests. Subject to the availability of space, the meeting is open to the public.

**DATES:** The meeting will be held on January 21 (from 8:30 a.m. to 4 p.m.) and January 22, 2010 (from 8:30 a.m. to noon).

**ADDRESSES:** The meeting will be held at The EPIC Hotel, 270 Biscayne Blvd., Miami, Florida 33131.

**FOR FURTHER INFORMATION CONTACT:** Committee's Designated Federal Officer or Point of Contact: Dr. Jane M. Arabian, Assistant Director, Accession Policy, Office of the Under Secretary of Defense (Personnel and Readiness), Room 2B271, The Pentagon, Washington, DC 20301-4000, telephone (703) 697-9271.

## **SUPPLEMENTARY INFORMATION:**

### **Agenda**

The Committee will meet to review planned changes and progress in developing computerized and paper-and-pencil enlistment tests. The agenda includes an overview of current enlistment test development timelines and planned research for the next three years.

### **Public's Accessibility to the Meeting**

Pursuant to 5 U.S.C. 552b and 41 CFR 102-3.140 through 102-3.165, and the availability of space, this meeting is open to the public.

### **Oral Presentations/Written Statements**

Persons desiring to make oral presentations or submit written statements for consideration at the Committee meeting must contact Dr. Jane M. Arabian (see **FOR FURTHER INFORMATION CONTACT**) no later than January 10, 2010.

Dated: December 10, 2009.

**Mitchell S. Bryman,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

[FR Doc. E9-29811 Filed 12-15-09; 8:45 am]

**BILLING CODE 5001-06-P**

## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

#### **TRICARE Over-the-Counter Drug Demonstration Project**

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice of modifications and an extension to the TRICARE over-the-counter drug demonstration project.

**SUMMARY:** This notice is to advise interested parties of modifications to and an extension of the demonstration project entitled "TRICARE Over-the-Counter Drug Demonstration Project." The original demonstration notice was published on June 15, 2007 (72 FR 33208; FR Doc. E7-11558) and described a demonstration project to evaluate the costs/benefits and beneficiary satisfaction of providing OTC drugs under the pharmacy benefits program when the selected OTC drugs are determined to be clinically effective. The demonstration was to be conducted until the implementation of the combined TRICARE mail and retail contract (TPharm) which will be November 4, 2009. This demonstration project will now be modified and extended for three additional years (November 4, 2012).