

Respondent Neptune Fireworks Co., Inc.
Itzhak Dickstein,
President, Neptune Fireworks Company, Inc.
Commission Staff.
David Schmeltzer,
*Assistant Executive Director, Office of
Compliance and Enforcement.*
Eric L. Stone,
*Acting Director, Division of Administrative
Litigation, Office of Compliance and
Enforcement.*

Dated: March 24, 1995.

Dennis C. Kacoyanis,
*Trial Attorney, Division of Administrative
Litigation, Office of Compliance and
Enforcement.*

Order

Upon consideration of the Settlement Agreement entered into between respondent Neptune Fireworks Company, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Neptune Fireworks Company Inc.; 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 upon final acceptance of the Settlement Agreement and Order, Neptune Fireworks Company, Inc. shall pay to the Commission a civil penalty in the amount of Forty-Five Thousand and 00/100 Dollars (\$45,000.00) in three (3) payments each. The first payment of Fifteen Thousand and 00/100 dollars (\$15,000.00) shall be paid by August 15, 1995 or within twenty (20) days after service of the Final Order of the Commission accepting the Settlement Agreement (hereinafter, the "anniversary date"), whichever is later. The second payment of fifteen thousand and 00/100 dollars (\$15,000.00) shall be paid on August 15, 1996 or within one (1) year of the anniversary date. The third payment of fifteen thousand and 00/100 dollars (\$15,000.00) shall be paid on August 15, 1997 or within (2) years of the anniversary date. Upon the failure by Neptune Fireworks Company, Inc. to make a payment or upon the making of a late payment by Neptune Fireworks Company, Inc. (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 provision of 28 U.S.C. 1961 (a) and (b).

Provisionally accepted and Provisional Order issued on the 75 day of April, 1995.

By order of the Commission.
Sadye E. Dunn,
*Secretary, Consumer Product Safety
Commission.*
[FR Doc. 95-9047 Filed 4-12-95; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0077]

Clearance Request for Quality Assurance Requirements

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000-0077).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Quality Assurance Requirements.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501-4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

Supplies and services acquired under Government contracts must conform to the contract's quality and quantity requirements. FAR Part 46 prescribes inspection, acceptance, warranty, and other measures associated with quality requirements. Standard clauses related to inspection (a) require the contractor to provide and maintain an inspection system that is acceptable to the Government; (b) give the Government the right to make inspections and test while work is in process; and (c) require the contractor to keep complete, and make available to the Government, records of its inspection work.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average .25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the

data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to General Services Administration, FAR Secretariat, 18th & F Streets, NW, Room 4037, Washington, DC 20405, and to the FAR Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The annual reporting burden is estimated as follows: Respondents, 960; responses per respondent, 1; total annual responses, 950; preparation hours per response, .25; and total response burden hours, 237.5 (238).

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, 58,060; hours per recordkeeper, .68; and total recordkeeping burden hours, 39,481. The total annual burden is 238+39,481=39,719.

OBTAINING COPIES OF PROPOSALS:

Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), Room 4037, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0077, Quality Assurance Requirements, in all correspondence.

Dated: April 6, 1995.
Beverly Fayson,
FAR Secretariat.
[FR Doc. 95-9084 Filed 4-12-95; 8:45 am]
BILLING CODE 6820-EP-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of committee: Army Science Board (ASB).

Date of meeting: 2 & 3 May 1995.

Time of meeting: 0930-1700, 2 May 1995; 0800-1700, 3 May 1995.

Place: 2 May 1995—Norfolk, VA—Atlantic Command (ACOM); Ft. Monroe, VA—TRADOC. 3 May 1995—Ft. Lee, VA—Combined Arms Support Command (CASCOM)

Agenda: The Army Science Board's Logistics and Sustainability Subgroup will meet on current doctrine, missions, functions, force structures and modules, and technologies reference "Army Logistical Support to Military Operations Other Than War." Discussions will cover the ACOM, TRADOC and CASCOM logistics

perspectives on Military Operations Other Than War. These meetings will be closed to the public in accordance with Section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matter to be discussed is so inextricably intertwined so as to preclude opening any portions of these meetings. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95-9052 Filed 4-12-95; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Office of Administrative Law Judges; Intent to Compromise a Claim, Resource, Inc.

AGENCY: Department of Education.

ACTION: Notice of intent to compromise a claim.

SUMMARY: The Department intends to compromise a claim against Resource, Inc. now pending before the Office of Administrative Law Judges (OALJ), Docket No. 94-103-R (20 U.S.C. 1234a(j)).

DATES: Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before May 30, 1995.

ADDRESSES: All comments concerning this notice should be addressed to Jeffrey B. Rosen, Office of the General Counsel, U.S. Department of Education, 600 Independence Avenue SW., Room 5411, FB-10B, Washington, D.C. 20202-2242.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Rosen. Telephone: (202) 401-6009. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: In September 1991 the Rehabilitation Services Administration (RSA), U.S. Department of Education (ED), conducted a compliance review of the grantee, Resource, Inc., in accordance with the Rehabilitation Act of 1973, as amended (the Act), and "RSA Procedures for the Recovery of Disallowed Costs Identified Through Program Monitoring Activities" (Information Memorandum RSA-IM-92-04). The review covered the

grantee's performance during fiscal year 1991 under a Projects With Industry (PWI) program grant authorized under Title VI of the Act, 29 U.S.C. 795g. RSA issued a Final Monitoring Report on March 24, 1992.

Based upon this monitoring report, the Regional Commissioner, Region V, RSA, and the Director, Grants Division, Grants and Contracts Service, issued a Notice of Disallowance Decision (NDD) on May 31, 1994, in which Resource, Inc. was requested to repay \$218,517 of funds misspent under Title VI of the Act. A total of \$204,416 was disallowed because the grantee did not meet the requisite cost sharing or matching requirement under the PWI program. In addition, ED disallowed \$115,585 for the failure of the grantee to keep time distribution records for its employees who worked on the PWI program. However, because \$101,484 of these funds were included in the prior disallowance, the total cost disallowance (\$218,517) was less than the total of the costs disallowed for each of the two findings. On June 30, 1994 Resource, Inc. filed an appeal of the NDD with the OALJ.

On November 17, 1994 ED filed a Notice of Reduction of Claim notifying the OALJ that, based upon new information submitted by the grantee, the first issue concerning the matching requirement was resolved. Thus, the total amount outstanding in the appeal was reduced to \$115,585, which is covered by the Settlement Agreement.

Under the terms of the proposed agreement, Resource, Inc. owes ED a total of \$31,682. The grantee has agreed to make payment in 2 installments over a 1-year period, the first payment to be made within 30 days of execution of the agreement by ED. Resource, Inc. would be assessed interest at a rate of three percent per year if both installment payments are not made in a timely fashion. Failure to make timely payments within 40 days of the due dates would result in a late payment fee of 10 percent of the principal. Finally, under the agreement, the parties would jointly move for dismissal of the appeal. For the following reasons, ED recommends approval of the proposed Settlement Agreement.

There is clearly a litigation risk in attempting to uphold the original finding. The evidence presented by Resource, Inc. demonstrates that the employees in question worked a substantial portion of the time on the PWI grant. While Resource, Inc. clearly had an obligation to keep time distribution records, its evidence, which often was less reliable and circumstantial, could persuade an

administrative law judge or a Federal court to rule in substantial part or in full for its position.

Resource, Inc. has agreed to repay \$31,682. Based upon the foregoing, ED believes that it is prudent to accept the settlement offer, which represents a recovery of over 27 percent of the original costs disallowed in the PDD for this finding. If this issue is not settled, ED will incur further litigation costs, and there will be some litigation risk during the administrative process. Moreover, Resource, Inc. also would have the right to appeal any decision to the U.S. Court of Appeals. See 20 U.S.C. 1234g. In addition, the grantee has certified in the Settlement Agreement that it is presently in compliance with the time distribution requirements that gave rise to the disallowance at issue in this agreement.

After weighing the risks in litigating the issue that is the subject of the settlement, it is ED's assessment that the proposed Settlement Agreement is the most advantageous resolution.

The public is invited to comment on the ED's intent to compromise this claim. Additional information may be obtained by writing to Jeffrey B. Rosen at the address given at the beginning of this notice.

Program Authority: 20 U.S.C. 1234a(j) (1990).

Dated: April 7, 1995.

Donald R. Wurtz,

Chief Financial Officer.

[FR Doc. 95-9050 Filed 4-12-95; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Notice of Floodplain Involvement For Operable Unit 2 Removal Action No. 30 At the Fernald Environmental Management Project

AGENCY: U.S. Department of Energy (DOE), Fernald Area Office.

ACTION: Notice of floodplain involvement.

SUMMARY: This is to give notice of DOE's actions planned for the Fernald Environmental Management Project (FEMP), located approximately 18 miles (29 kilometers) northwest of downtown Cincinnati, Ohio. The subject of this Notice of Involvement is Operable Unit 2 which is defined by five subunits or areas: the Solid Waste Landfill, Lime Sludge Ponds, Inactive Flyash Pile, South Field, and Active Flyash Pile. The proposed Removal Action No. 30 for Operable Unit 2 involves excavation and construction activities that could