

allegations with respect to the mowers identified in this agreement, nor does OMC admit to any liability in this matter. Further, OMC denies the allegations that the Lawn-Boy "L" series lawn mowers identified in paragraph 9 of this agreement, the "M" series lawn mowers identified in paragraph 13, and the "Model 8157" series lawn mowers identified in paragraph 16 contained defects which created or could have created a substantial product hazard within the meaning of section 15(a) of the CPSA, 15 U.S.C. 2064(a). Accordingly, OMC contends that no obligation to report to the Commission under section 15(b) existed with respect to any of these lawn mowers.

20. OMC further contends that the Commission's acceptance of a \$170,000 civil penalty from the Toro Company for the failure to report to the Commission information relating to the gas tank failures identified in paragraphs 9, 13, and 16 of this Settlement Agreement and Order constitutes an election of remedies by the Commission which extinguishes any alleged liability on the part of OMC.

21. OMC further asserts that it received no reports of injuries from the use of any of the products enumerated in this agreement prior to and after the sale of Lawn-Boy to Toro. OMC makes no admission whatsoever of any fault, liability, or statutory violation in the event any person should claim injuries resulting from the use of these products.

#### VI. Agreement of the Parties

22. The parties enter this agreement solely for the purposes of settlement. OMC and the staff agree that the Commission has jurisdiction in this matter for purposes of entry and enforcement of this Settlement Agreement and Order.

23. OMC shall pay the Commission a civil penalty in the amount of seventy-five thousand dollars (\$75,000) payable within twenty (20) days after service of the Final Order. Payment of the full amount of the penalty shall settle fully the staff's allegations set forth in paragraphs 9 through 18 above. OMC shall have no further liability to the Commission for any corrective action concerning the leaking gas tanks described in paragraphs 9, 13, and 16 of this complaint.

24. For the purposes of settlement, OMC waives any rights it may have in this matter under section 6(b)(1) through (5) of the CPSA, 15 U.S.C. 2055(a)(1)–(5).

25. Upon provisional acceptance of this Settlement Agreement and Order, the agreement and order shall be placed on the public record and shall be

published in the **Federal Register** in accordance with the procedure set forth in 16 CFR 1118.20(e). If, within 15 days of publication, the Commission has not received any written request not to accept the Settlement Agreement and Order, the Settlement Agreement and Order will be deemed to be finally accepted on the 16th day after the date it is published in the **Federal Register** (16 CFR 1118.20(f)). Upon final acceptance, the Commission shall issue and serve upon OMC the attached Order incorporated herein by reference.

26. Upon final acceptance of this Settlement Agreement and Order by the Commission, OMC knowingly, voluntarily, and completely waives any rights it might have: (1) To an administrative or judicial hearing with respect to the Commission's claim for a civil penalty, (2) to judicial review or other challenge to or contest of the validity of the Commission's action with regard to its claim for a civil penalty, (3) to a determination by the Commission as to whether a violation of section 15(b) of the CPSA, 15 U.S.C. 2064(b), has occurred, and (4) to a statement of findings of fact and conclusions of law with regard to the Commission's claim for a civil penalty.

27. The parties further agree that the Commission shall issue the incorporated Order under the CPSA, 15 U.S.C. 2051 *et seq.*, and that a violation of the Order will subject OMC to appropriate legal action.

28. No agreement, understanding, representation, or interpretation not contained in this Settlement Agreement may be used to vary or contradict its terms.

Outboard Marine Corporation.

Dated: April 12, 1995.

Michael A. Brown,

Counsel.

The Consumer Product Safety Commission.

Dated: April 12, 1995.

David Schmeltzer,

Associate Executive Director, Office of Compliance and Enforcement.

Eric C. Stone,

Director, Division of Administrative Litigation, Office of Compliance and Enforcement.

Michael J. Gidding,

Attorney, Division of Administrative Litigation, Office of Compliance and Enforcement.

#### Order

In the matter of: Outboard Marine Corporation; a corporation. CPSC Docket No. 95-C0011.

Upon consideration of the Settlement Agreement entered between respondent Outboard Marine Corporation, a

corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Outboard Marine Corporation; and it appearing the Settlement Agreement is in the public interest, it is

*Ordered*, that the Settlement Agreement be and hereby is accepted, as indicated below; and it is

*Further Ordered*, that upon final acceptance of the Settlement Agreement, Outboard Marine Corporation shall pay to the order of the Consumer Product Safety Commission a civil penalty in the amount of seventy-five thousand dollars (\$75,000), within twenty (20) days after receipt of the Final Order and Decision in this matter.

Provisionally accepted and Provisional Order issued on the 14th day of April, 1995.

By order of the Commission.

**Sadye E. Dunn,**

Secretary, Consumer Product Safety Commission.

[FR Doc. 95-9848 Filed 4-20-95; 8:45 am]

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## DEPARTMENT OF EDUCATION

[CFDA No. 84.183F]

### Drug and Violence Prevention Program in Higher Education—Analysis and Dissemination Program Competitions: Analysis Projects; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995

*Purpose of Program:* To provide grants to develop, implement, validate and disseminate model programs and strategies to promote the safety of students attending institutions of higher education (IHEs) by preventing the illegal use of alcohol and other drugs and by preventing violent behavior by such students.

*Eligible Applicants:* IHEs; and consortia of IHEs.

*Deadline for Transmittal of Applications:* June 5, 1995.

*Deadline for Intergovernmental Review:* August 4, 1995.

*Applications Available:* April 21, 1995.

*Available Funds:* \$500,000.

*Estimated Range of Awards:* Up to \$100,000 per year.

*Estimated Average Size of Awards:* \$100,000.

*Estimated Number of Awards:* 5.

*Project Period:* 24 months.

**Note:** The Department is not bound by any estimates in this notice.

*Applicable Regulations:* (a) The Education Department General

Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) the regulations for this program in 34 CFR part 612.

**SUPPLEMENTARY INFORMATION:** The program is authorized under Title IV, section 4122, of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994, Pub. L. 103-382 (October 20, 1994) (to be codified at 20 U.S.C. 7132, formerly at 20 U.S.C. 3211). This FY 1995 competition supports the sixth cohort of grants under the program.

The FY 1994 amendment of the statute modified the scope of authorized programs. Projects may now address violence prevention, in addition to alcohol and other drug abuse. Such projects must also serve as models for the field. This competition is covered by the scope of the amended statute and the application procedures in 34 CFR part 612. In the case of any inconsistency between the program regulations and the new statutory provisions, the statute will control.

#### Priorities

**Absolute Priority.** Under 34 CFR 75.105(c)(3) and 34 CFR 612.21(d) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Projects designed to analyze successful project designs, policies, and results of projects supported under Institution-Wide or Special Focus Program competitions.

**Invitational Priority:** Within the absolute priority in this notice, the Secretary is particularly interested in applications that meet one or both of the following invitational priorities. However, under 34 CFR 75.105(c)(1) an application that meets one or both of these invitational priorities does not receive absolute or competitive preference over other applications:

**Invitational Priority 1.** Applications by current or former recipients of grants under Institution-Wide or Special Focus Program competitions proposing to analyze the direct and indirect impacts of one or more fiscal-year cohorts of Institution-Wide or Special Focus projects for which departmental assistance has ended.

**Invitational Priority 2.** Applications by current or former recipients of grants under Institution-Wide or Special Focus Program competitions proposing to analyze special topics or issues related to the effectiveness of Institution-Wide or Special Focus projects, examples of

which have been selected from Institution-Wide or Special Focus projects for which departmental assistance has ended.

Topics or issues may include, among others—

(a) Multi-site data resulting from the use of the Environmental Assessment Instrument by selected Institution-Wide projects;

(b) Multi-site data resulting from the use by Institution-Wide projects of the Core Survey Instrument developed by selected Institution-Wide projects;

(c) The use by IHEs of student peers as a means of influencing other peers to reduce alcohol and other drug problems;

(d) The approaches used in IHEs to plan student social activities not involving alcohol or other drugs and the success of those approaches;

(e) IHE activities or organizational changes associated with empowering students, staff, and faculty to set positive social norms; and

(f) The role of the IHE president, chancellor, or other senior policy makers in preventing alcohol and other drug problems in IHEs.

#### Selection Criteria

In evaluating applications for grants under the Analysis and Dissemination Program, the Secretary uses the selection criteria in 34 CFR 612.23(c)(3).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

**Key personnel** (34 CFR 612.23(c)(3)(iii)). Ten points are added to this criterion for a possible total of 25 points.

**Evaluation** (34 CFR 612.23(c)(3)(iv)). Five points are added to this criterion for a possible total of 15 points.

**For Applications or Information Contact:** FIPSE, FY 1995-F Competition, U. S. Department of Education, 600 Independence Avenue, SW, Washington, D.C. 20202-5175. Telephone: (202) 205-0082 to order applications; or (202) 708-5750 for information. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between the hours of 8 a.m. and 8 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Information about the Department's funding opportunities, including copies of the application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; or on the Internet

Gopher Server at gopher.ed.gov (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

**Program Authority:** 20 U.S.C. 7132.

Dated: April 17, 1995.

**David A. Longanecker,**

*Assistant Secretary for Postsecondary Education.*

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[CFDA No. 84.183D]

#### Drug and Violence Prevention Program in Higher Education—Special Focus Program Competition: Specific Approaches to Prevention Projects (Invitational Priority: Higher Education Consortia for Drug and Violence Prevention); Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995

**Purpose of Program:** To provide grants to develop, implement, validate, and disseminate model programs and strategies to promote the safety of students attending institutions of higher education (IHEs) by preventing the illegal use of alcohol and other drugs and by preventing violent behavior by such students.

**Eligible Applicants:** IHEs; and consortia of IHEs.

**Deadline for Transmittal of Applications:** June 5, 1995.

**Deadline for Intergovernmental Review:** August 4, 1995.

**Applications Available:** April 21, 1995.

**Available Funds:** \$1,400,000.

**Estimated Range of Awards:** Up to \$45,000.

**Estimated Average Size of Awards:** \$36,000.

**Estimated Number of Awards:** 30 to 60.

**Project Period:** 28 months.

**Note:** The Department is not bound by any estimates in this notice.

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) the regulations for this program in 34 CFR part 612.

**SUPPLEMENTARY INFORMATION:** The program is authorized under Title IV, section 4122, of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994, Pub. L. 103-382 (October 20, 1994) (to be codified at 20 U.S.C. 7132, formerly at 20 U.S.C. 3211).