In accordance with the rate and method of calculation set forth in 28 U.S.C. 1961 (a) and (b), during the period that payment is overdue. Any payment that is thirty (30) days or more overdue shall cause the entire outstanding balance to become due immediately and payable with interest in accordance with 28 U.S.C. 1961 (a) and (b) as set forth above, during the period that the outstanding balance is overdue.

Payment of the full amount of the civil penalty shall settle fully the staff's allegations set forth in paragraphs five through ten above that Neeley Sales Company, Inc. or Dennis Neeley, individually, or any of Neeley's officers, agents, or employees has violated the FHSA.

14. The Commission does not make any determination that Neeley knowingly violated the FHSA. The Commission and Neeley agree that this Agreement is entered into for the purposes of settlement only.

15. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, Neeley knowingly, voluntarily and completely, waives any rights it may have in this matter (1) to an administrative or judicial 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 Neeley failed to comply with the FHSA as aforesaid, and (4) to a statement of findings of fact and conclusions of law.

16. For purposes of Section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued.

17. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order 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)–(h). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order will be deemed finally accepted on the 16th day after the date it is published in the Federal Register.

18. The parties further agree that the Commission shall issue the attached Order incorporated herein by reference; and that a violation of the Order shall subject Neeley to appropriate legal action.

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

20. The provisions of the Settlement Agreement and order shall apply to Neeley and each of its successors and assigns.

By:

G. Dennis Neeley,
President, Neeley Sales Company, Inc.,
Highway 25 South, Post Office Box 523,
Greenwood, SC 29646.

Commission Staff
David Schmetzer,
Assistant Executive Director, Office of Compliance and Enforcement

Alan H. Schoem,
Director, Division of Administrative Litigation Office of Compliance and Enforcement

DATED: November 8, 1993.

By:

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

[CPSC Docket No. 94-C0007]

Neeley Sales Company, Inc., a Corporation; Order

Upon consideration of the Settlement Agreement entered into between respondent Neeley Sales Company, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Neeley Sales Company; and it appearing that the Settlement Agreement 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, Neeley Sales Company, Inc. shall pay to the Commission a civil penalty in the amount of TEN THOUSAND AND 00/100 DOLLARS ($10,000.00) in two (2) installment payments of FIVE-THOUSAND AND 00/100 DOLLARS ($5,000.00). The first installment payment of FIVE-THOUSAND AND 00/100 DOLLARS ($5,000.00) shall be due twenty (20) days after service of the Final Order of the Commission accepting the Settlement Agreement. The second installment payment of FIVE-THOUSAND AND 00/100 DOLLARS ($5,000.00) is due and payable no later than 365 days after service of the Final Order. For any payment that is overdue less than thirty (30) days, Neeley Sales Company, Inc. shall be charged interest, payable to the Commission, in accordance with the rate and method of calculation set forth in 28 U.S.C. 1961 (a) and (b), during the period that the payment is overdue. Any payment that is thirty (30) days or more overdue shall cause the entire outstanding balance to become due immediately and payable with interest in accordance with 28 U.S.C. 1961 (a) and (b) as set forth above, during the period that the outstanding balance is overdue.

Payment of the full amount of the civil penalty shall settle fully the staff's allegations set forth in paragraphs five through ten in the Settlement Agreement that Neeley Sales Company, Inc. or Dennis Neeley, individually, or any of Neeley's officers, agents, or employees has violated the FHSA.

Provisionally accepted and Provisional Order issued on the 24th day of January, 1994.

By Order of the Commission
Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 94-1981 Filed 1-28-94; 8:45 am]

BILLING CODE 6555-01-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Request.

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before March 2, 1994.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 720 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503.

Requests for copies of the proposed information collection requests should be addressed to Gary Green, Department of Education, 400 Maryland Avenue, SW., room 4682, Regional Office Building 3, Washington, DC 20020–4651.

FOR FURTHER INFORMATION CONTACT: Gary Green (202) 401–3200. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 7 a.m. and 8
SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (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 Director of the Information Resources Management Service, publishes this 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) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.


Cary Green, Director, Information Resources Management Service.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Survey of Overall Rehabilitation Needs of Hard of Hearing Individuals.

Frequency: One-time.

Affected Public: Individuals or households.

Reporting Burden:

Responses: 3,200.

Burden Hours: 2,133.

Recordkeeping Burden:

Recordkeepers: 0.

Burden Hours: 0.

Abstract: This survey is designed to document the overall rehabilitation needs of hard of hearing, late-deafened and oral-deaf adults, and any defects in the rehabilitation services delivery system established to meet those needs. This information will identify needs in services in the areas of vocational rehabilitation, education/training, hearing aid and assistive listening device technology, participation in social activities and coping with the effects of hearing loss on interpersonal functioning.

[FR Doc. 94-2049 Filed 1-28-94; 8:45 am]  
BILLING CODE 4000-01-M

[CFDA Nos.: 84.123, 84.233A, 84.241A]  
Direct Grant Programs and Fellowship Programs

AGENCY: Department of Education.

ACTION: Extension of closing dates.

SUMMARY: On September 24, 1993, the Department of Education published a notice in the Federal Register inviting applications for new awards for fiscal year 1994 for the Drug-Free Schools and Communities Emergency Grants Program, the Drug-Free Schools and Communities Counselor Training Grants Program, and the Law-Related Education Program (58 FR 50141, 50147-51). Detailed information concerning these programs was included in that notice. The purpose of this notice is to extend the deadline for receipt of applications for these programs. This action is taken in order to allow additional time for applicants to submit their applications. The deadline for receipt of applications for these programs is extended as follows:

- **CFDA 84.123A.** The deadline date for receipt of applications for the Law-Related Education Program is extended from February 4, 1994 to February 11, 1994.


- **CFDA 84.233A.** The deadline date for receipt of applications for the Drug-Free Schools and Communities Emergency Grants Program is extended from January 28, 1994 to February 11, 1994.

- **CFDA 84.241A.** The deadline date for receipt of applications for the Drug-Free Schools and Communities Counselor Training Grants Program is extended from January 24, 1994 to February 11, 1994.

FOR FURTHER INFORMATION CONTACT: Jeanette J. Lim, U.S. Department of Education, 400 Maryland Avenue, SW., room 5036 Switzer Building, Washington, DC 20202-1174. Telephone: (202) 205-8635. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-9683 or 1-800-421-3481.

SUPPLEMENTARY INFORMATION: Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d et seq., prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. The Department of Education (Department) has promulgated regulations in 34 CFR part 100 to effectuate the provisions of title VI with regard to programs and activities receiving funding from the Department. Title VI also guides the Department’s enforcement policies regarding State higher education systems that were previously...
determined to be segregated pursuant to State law. This notice outlines the procedures and analysis that the Office for Civil Rights (OCR) of the Department of Education will follow when investigating States with a history of de jure segregated systems of higher education.

This notice is published in response to a number of questions the Department has received concerning the effect of the Supreme Court's decision in *United States v. Fordice*, ___ U.S. ___, 112 S.Ct. 2727 (1992), on the Department's enforcement policies under Title VI regarding State higher education systems that were segregated pursuant to State law.

In *Fordice*, the Supreme Court held that States that operated de jure segregated higher education systems have an affirmative duty under the Equal Protection Clause of the Fourteenth Amendment to the Constitution and Title VI to dismantle those systems and their vestiges. The Court, while acknowledging the differences between public higher education systems and elementary or secondary school systems, based this holding on the precedent established in its 1954 decision in *Brown v. Board of Education of Topeka* and its progeny in elementary and secondary school desegregation cases, 112 S.Ct. at 2736.

The Supreme Court also held that before a determination can be made that a State has discharged its affirmative duty to eliminate the vestiges of its de jure system, an examination must be made of a "wide range of factors to determine whether [a] State has perjured its formerly de jure segregation in any facet of its institutional system." 112 S.Ct. at 2735. This holding is consistent with the Department's policy requiring that the vestiges of de jure segregation be eliminated system-wide in State higher education systems, which is reflected in the Department's published "Revised Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education," published in the *Federal Register* on February 12, 1978 (43 FR 6658) ("Revised Criteria"). The "Revised Criteria" specify a broad range of factors, which include those addressed in *Fordice* and that State must be included in a statewide higher education desegregation plan to be acceptable under Title VI.

The Supreme Court made clear in *Fordice* that (1) a State will not have complied with its affirmative duty to dismantle the vestiges of segregation if it merely adopts race-neutral policies and (2) "[i]f a State perpetuates policies and practices traceable to its prior system that continue to have segregative effects—whether by influencing student enrollment decisions or by fostering segregation in other facets of the university system—and such policies are without sound educational justifications and can be practically eliminated, the State has not satisfied its burden of proving that it has dismantled its prior system." 112 S.Ct. 2735, 2737. The Supreme Court emphasized that the burden of proof falls on each State to establish that it has dismantled its prior de jure segregated system. 112 S.Ct. at 2740.

In light of the *Fordice* decision, the Department reaffirms that all States1 with a history of de jure segregated systems of higher education have an affirmative duty to ensure that no vestiges of the de jure system are having a discriminatory effect on the basis of race. If OCR receives information indicating that a State has not met this affirmative duty, OCR will take appropriate action.

OCR will apply the standard set out in *Fordice*, requiring the elimination of the vestiges of prior de jure segregation, to all pending Title VI evaluations of statewide higher education systems with OCR-accepted desegregation plans that have expired. The States with expired plans are Florida, Kentucky, Maryland, Pennsylvania, Texas, and Virginia. OCR will examine a wide range of factors to ensure that the vestiges of these States' de jure systems have been eliminated. The comprehensive array of factors that OCR will consider includes those addressed in *Fordice* and those reflected in the ingredients for acceptable desegregation plans specified in the Department's "Revised Criteria." Accordingly, OCR will ensure that the States have implemented their OCR-approved desegregation plans and have eliminated the vestiges of their de jure segregated systems.

Finally, the Department reaffirms its position reflected in the "Revised Criteria," which is consistent with *Fordice*, that States may not place unfair burdens upon black students and faculty in the desegregation process. Moreover, the Department's "Revised Criteria" recognize that State systems of higher education may be required, in order to overcome the effects of past discrimination, to strengthen and enhance traditionally or historically black institutions. The Department will strictly scrutinize State proposals to close or merge traditionally or historically black institutions, and any other actions that might impose undue burdens on black students, faculty, or administrators or diminish the unique roles of those institutions.


Norma V. Cantú,
Assistant Secretary for Civil Rights.

[FR Doc. 94–2042 Filed 1–28–94; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Urgent-Relief Acceptance of a Limited Amount of Spent Fuel From Foreign Research Reactors; Meetings

AGENCY: Department of Energy and Department of State.

ACTION: Notice of meetings.

SUMMARY: The Department of Energy and the Department of State plan to co-host a two-part forum to involve stakeholders in a meaningful and constructive dialogue on the proposed urgent-relief acceptance of a limited amount of spent fuel from foreign research reactors. This proposed action was originally described in a draft environmental assessment, prepared under the National Environmental Policy Act, distributed for comment by interested states and organizations in October 1993; the Department is revising the environmental assessment in response to comments and intends to issue the draft for comment in early February. The Department proposes to transport this spent fuel to the United States as part of an effort to minimize the use of highly enriched uranium in civil programs worldwide. Under this program, the Department is proposing that highly enriched uranium spent fuel be shipped by sea to a southeastern port (several alternative ports are proposed) and then by truck to the Department's Savannah River site near Aiken, South Carolina, for interim storage.

The first part of the forum will be a preparatory meeting on February 10, 1994, involving invited stakeholders (several alternative ports are proposed) and then by truck to the Department's Savannah River site near Aiken, South Carolina, for interim storage.