

Under the terms of the proposed agreement in SC II, the Commission owes ED a total of \$71,044. This repayment amount, including four percent interest accruing from July 15, 1995, is to be paid in three equal annual payments of \$24,628 beginning July 15, 1995 and continuing through July 15, 1997. The Commission would be assessed interest at a rate of four percent per year if any of the foregoing payments are not made in a timely fashion. Failure to make timely payment within 20 days would result in a late payment fee of 10 percent of the payment due. 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 in SC II. The Commission has agreed to repay in full the cost disallowances in Findings 2 and 3. With respect to Finding 1, which pertains to a time distribution issue for employees, the parties agreed that the Commission should repay \$30,480, which represents a repayment of over 30 percent of the original disallowed amount of \$88,805.26. The evidence presented by the Commission demonstrated that the employees in question worked a substantial portion of time on grant activities. Although the Commission clearly had an obligation to keep time distribution records, it presented other less reliable and circumstantial evidence that could persuade an administrative law judge or a Federal court to rule in substantial part or in full for its position.

Based upon the foregoing, ED believes that it is prudent to accept the settlement offer in SC II, which represents almost 55 percent of the original costs disallowed in the PDD for this finding.

If these issues are not settled, ED will incur further litigation costs. Additional discovery efforts would be necessary before these cases can be litigated. Furthermore, it is unlikely that ED would be able to recover 100 percent of the cost disallowance for the time distribution issues in SC I and SC II and the failure to maintain documentation issue in SC I. The recovery amounts for these issues not only reflect the demonstrated harm to the Federal interest, but were essential to the overall settlements that were agreed to by the parties.

There are even litigation risks with respect to the issues the Commission has conceded in the Settlement Agreements. If these issues are litigated, ED would run the risk of not recovering 100 percent. Moreover, the Commission would have the right to appeal any

decision to the U.S. Court of Appeals. See 20 U.S.C. 1234g. There is no certainty that ED would recover 100 percent on these issues as is contemplated in the Settlement Agreements.

After weighing the risks in litigating the issues that are the subject of the settlements, it is ED's assessment that the proposed Settlement Agreements are the most advantageous resolution of the outstanding issues in these cases.

The public is invited to comment on the Department's intent to compromise these claims. 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: May 11, 1995.

Donald R. Wurtz,
Chief Financial Officer.

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Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

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

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by May 17, 1995.

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, 725 17th Street NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue SW., Room 5624, Regional Office Building 3, Washington DC 20202-4651.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill, (202) 708-9915. 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: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons 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, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review has been requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: May 11, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Management

Type of Review: Expedited

Title: Epidemiological Study of Office of Educational Research and Improvement (OERI) Employees

Frequency: One time

Affected Public: Individual and households

Reporting Burden:

Responses: 600

Burden Hours: 200

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: Federal employees in OERI are concerned about a continuing increase in the number of diagnosed cancer cases and adverse reproductive outcomes in their workplace since 1988. This study will determine the variation from comparable prevalence and mortality profiles.

Additional Information: Clearance for this information collection is requested for May 17, 1995. An expedited review is requested in order to implement the survey as soon as possible.

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