Bear knowingly, voluntarily, and completely waives any rights it may have in this matter to the following: (a) an administrative or judicial hearing; (b) judicial review or other challenge or contest of the Commission’s actions; (c) a determination by the Commission of whether Build-A-Bear failed to comply with the CPSA and the underlying regulations; (d) a statement of findings of fact and conclusions of law; and (e) any claims under the Equal Access to Justice Act.

Dated: September 27, 2011.

By:

By: Belinda V. Bell,
Trial Attorney,
Division of Compliance
Office of the General Counsel.

Order

Upon consideration of the Settlement Agreement entered into between Build-A-Bear Workshop, Inc. (“Build-A-Bear”), and the U.S. Consumer Product Safety Commission (“Commission”) staff, and the Commission having jurisdiction over the subject matter and over Build-A-Bear, and it appearing that the Settlement Agreement and the Order are in the public interest, it is Ordered that the Settlement Agreement be, and is, hereby, accepted; and it is Further Ordered, that Build-A-Bear shall pay a civil penalty in the amount of $600,000.00 within 20 calendar days of receiving service of the Commission’s final Order accepting the Settlement Agreement. The payment shall be made electronically to the CPSC via http://www.pay.gov. Upon the failure of Build-A-Bear to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Build-A-Bear to 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 9th day of December, 2011.

By order of the Commission.

Todd A. Stevenson,
Secretary, U.S. Consumer Product Safety Commission.

41 CFR 102–3.150, the Department of Defense announces that the following Federal advisory committee meeting of the Defense Acquisition University Board of Visitors will take place.

DATES: Wednesday, January 25, 2012, from 8:30 a.m.—11:30 a.m.

ADDRESSES: Command Conference Center, Building 202, Defense Acquisition University, 9820 Belvoir Road, Fort Belvoir, VA 22060.

FOR FURTHER INFORMATION CONTACT: Christen Goulding, Protocol Director, DAU, Phone: (703) 805–5134, Fax: (703) 805–5940, Email: christen.goulding@dau.mil.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to report back to the Board of Visitors on continuing items of interest.

Agenda:

8:30 a.m. Welcome and approval of minutes.
8:40 a.m. Certification to Qualification.
9:30 a.m. Distinguished Faculty.
10:30 a.m. Mission Assistance.
11:15 a.m. Open forum discussion.
11:30 a.m. Adjourn.

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. However, because of space limitations, allocation of seating will be made on a first-come, first served basis. Persons desiring to attend the meeting should call Ms. Christen Goulding at (703) 805–5134.

Committee’s Designated Federal Officer or Point of Contact:
Ms. Kelley Berta, (703) 805–5412.
Dated: December 9, 2011.

Aaron Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2011–32116 Filed 12–14–11; 8:45 am]
BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Acquisition University Board of Visitors; Notice of Meeting

AGENCY: Defense Acquisition University, Department of Defense (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
The eligibility requirements for the Title V HSI Program are in Part A of Title V of the HEA and 34 CFR 606.2 through 34 CFR 606.5. The regulations may be accessed at the following Web site: www.access.gpo.gov/nara/cfr/waisidx_01/34cfr606_01.html.

The requirements for the PPOHA Program are in Part B of Title V of the HEA and the notice of final requirements published in the Federal Register on July 27, 2010 (75 FR 44055) (PPOHA NFP). Among the requirements established for the PPOHA Program in the PPOHA NFP are the use of the regulations in 34 CFR 606.2(a) and (b), and 606.3 through 606.5.

Enrollment of Needy Students: For Part A SIP; TCCU; ANNH; Part A NASNTI; Part A AANAPISI; Title III, Part F HSI STEM and Articulation; Part F AANAPISI; Title V HSI; and PPOHA programs, an institution is considered to have an enrollment of needy students if: (1) At least 50 percent of its degree students received financial assistance under one or more of the following programs: Federal Pell Grant, FSEOG, FWS, or the Federal Perkins Loan Programs; or (2) the percentage of its undergraduate degree students who were enrolled on at least a half-time basis and received Federal Pell Grants exceeded the median percentage of undergraduate degree students who were enrolled on at least a half-time basis and received Federal Pell Grants at comparable institutions that offer similar instruction.

To qualify under this latter criterion, an institution’s Federal Pell Grant percentage for base year 2009–2010 must be more than the median for its category of comparable institutions provided in the 2009–2010 Median Pell Grant and Average E&G Expenditures per full-time equivalent (FTE) Student Table in this notice.

For the Part A PBI Program, see section 318(b)(2) of the HEA and for the Part F PBI program see section 371(c)(9) for the definition of “Enrollment of Needy Students.”

Educational and General Expenditures Per FTE Student: Under the Part A SIP; TCCU; ANNH; Part A PBI; Part A NASNTI; Part A AANAPISI; Title III, Part F HSI STEM and Articulation; Part F AANAPISI; Title V HSI; and PPOHA programs, an institution should compare its 2009–2010 average E&G expenditures per FTE student to the average E&G expenditure per FTE student for its category of comparable institutions contained in the 2009–2010 Federal Pell Grant and Average E&G Expenditures per FTE Student Table in this notice. The institution meets this...
eligibility requirement under these programs if its average E&G expenditures for the 2009–2010 base years are less than the average for its category of comparable institutions. An institution’s average E&G expenditures are the total amount it expended during the base year for instruction, research, public service, academic support including library expenditures, student services, institutional support, operation and maintenance, scholarships and fellowships, and mandatory transfers that the institution is required to pay by law.

The following table identifies the relevant median Federal Pell Grant percentages for the base year 2009–2010 and the relevant average E&G expenditures per FTE student for the base year 2009–2010 for the four categories of comparable institutions:

<table>
<thead>
<tr>
<th>Type of institution</th>
<th>2009–2010 Median Pell Grant percentage</th>
<th>2009–2010 Average E&amp;G expenditures per FTE student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-year Public Institutions</td>
<td>32.3</td>
<td>$10,785</td>
</tr>
<tr>
<td>Two-year Non-profit Private Institutions</td>
<td>39.4</td>
<td>24,214</td>
</tr>
<tr>
<td>Four-year Public Institutions</td>
<td>30.1</td>
<td>28,831</td>
</tr>
<tr>
<td>Four-year Non-profit Private Institutions</td>
<td>31.0</td>
<td>45,760</td>
</tr>
</tbody>
</table>

Waiver Information: IHEs that are unable to meet the needy student enrollment requirement or the average E&G expenditures requirement may apply to the Secretary for waivers of these requirements, as described in sections 392 and 522 of the HEA, 34 CFR 606.3(b), 606.4(c) and (d), 607.3(b), and 607.4(c) and (d).

Institutions requesting a waiver of the needy student enrollment requirement or the average E&G expenditures requirement must include in their application detailed information supporting the waiver request, as described in the instructions for completing the application.

The regulations governing the Secretary’s authority to waive the needy student requirement, 34 CFR 606.3(b)(2) and (3) and 607.3(b)(2) and (3), refer to “low-income” students or families. The regulations at 34 CFR 606.3(c) and 607.3(c) define “low-income” as an amount that does not exceed 150 percent of the amount equal to the poverty level, as established by the U.S. Bureau of the Census.

For the purposes of this waiver provision, the following table sets forth the low-income levels for the various sizes of families:

2009 ANNUAL LOW-INCOME LEVELS

<table>
<thead>
<tr>
<th>Size of family unit</th>
<th>Family income for the 48 contiguous States, DC. and outlying jurisdictions</th>
<th>Family income for Alaska</th>
<th>Family income for Hawaii</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$16,245</td>
<td>$20,295</td>
<td>$18,690</td>
</tr>
<tr>
<td>2</td>
<td>21,855</td>
<td>27,315</td>
<td>25,140</td>
</tr>
<tr>
<td>3</td>
<td>27,465</td>
<td>34,335</td>
<td>31,590</td>
</tr>
<tr>
<td>4</td>
<td>33,075</td>
<td>41,355</td>
<td>38,040</td>
</tr>
<tr>
<td>5</td>
<td>38,685</td>
<td>48,375</td>
<td>44,490</td>
</tr>
<tr>
<td>6</td>
<td>44,295</td>
<td>55,395</td>
<td>50,940</td>
</tr>
<tr>
<td>7</td>
<td>49,905</td>
<td>62,415</td>
<td>57,390</td>
</tr>
<tr>
<td>8</td>
<td>55,515</td>
<td>69,435</td>
<td>63,840</td>
</tr>
</tbody>
</table>

Note: The 2009 annual low-income levels are being used because those are the amounts that apply to the family income reported by students enrolled for the fall 2009 semester. For family units with more than eight members, add the following amount for each additional family member: $5,610 for the contiguous 48 States, the District of Columbia, and outlying jurisdictions; $7,020 for Alaska; and $6,450 for Hawaii.

The figures shown under family income represent amounts equal to 150 percent of the family income levels established by the U.S. Bureau of the Census for determining poverty status. The poverty guidelines were published by the U.S. Department of Health and Human Services in the Federal Register on January 23, 2009 (74 FR 4199).

The information about “metropolitan statistical areas” referenced in 34 CFR 606.3(b)(4) and 607.3(b)(4) may be obtained by requesting the Metropolitan Statistical Areas, 1999 Publication, Order Number PB99–501538, from the National Technical Information Service, Document Sales, 5301 Shawnee Road, Alexandria, VA 22312, telephone number: 1–800–553–6847. There is a charge for this publication.

Electronic Submission of Applications

Applications for designation of eligibility must be submitted electronically using the following Web site: https://opeweb.ed.gov/title3and5/.

To enter the Web site, you must use your institution’s unique 8-digit identifier, i.e., your Office of Postsecondary Education Identification Number (OPE ID Number). Your business office or student financial aid office should have the OPE ID Number.

If not, contact the Department using the email addresses of the contact persons listed in this notice under FOR APPLICATIONS AND FOR FURTHER INFORMATION CONTACT. You will find detailed instructions for completing the application form electronically under the “eligibility 2012” link at either of the following Web sites: http://www.ed.gov/programs/iduestitle3a/index.html or http://www.ed.gov/hsi.
following Web site: https://opeweb.ed.gov/title3and5/.

Exception to the Electronic Submission Requirement: You may qualify for an exception to the electronic submission requirement and may submit your application in paper format if you are unable to submit an application electronically because—

- You do not have access to the Internet; or
- You do not have the capacity to upload documents to the Web site; and
- No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.


Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail (using the U.S. Postal Service or commercial carrier) the application, on or before the application deadline date, to the Department at the following address: Darlene B. Collins, U.S. Department of Education, 1990 K Street NW., Room 6033, Washington, DC 20006–8513.

You must show proof of mailing consisting of one of the following:

1. A legibly dated U.S. Postal Service postmark;
2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service;
3. A dated shipping label, invoice, or receipt from a commercial carrier; or
4. Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

1. A private metered postmark; or
2. A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the application, on or before the application deadline date, to the Department at the following address: Darlene B. Collins, U.S. Department of Education, 1990 K Street NW., Room 6033, Washington, DC 20006–8513.

Hand delivered applications will be accepted daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 79, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for the Title III Programs in 34 CFR part 607, and for the HSI Program in 34 CFR part 606. (c) The notice of final requirements for the PPOHA Program, published in the Federal Register on July 27, 2010 (75 FR 44053).

Note: There are no program-specific regulations for the Part A AANAPISI, Part A NASNTI, and Part A PBI programs or any of the Part F, title III programs. Also, there have been amendments to the HEA since we last issued regulations for the programs established under titles III and V of the statute. Accordingly, we encourage each potential applicant to read the applicable sections of the HEA in order to fully understand the eligibility requirements for the program for which they are applying. Please note we are in the process of amending the title III and title V regulations. These updated regulations will include regulations for Part A AANAPISI, Part A NASNTI, and Part A PBI programs, as well as the Part F, title III programs.


You can contact these individuals at the following email addresses or phone numbers: Kelley.Harris@ed.gov, (202) 219–7083, Carnisia.Proctor@ed.gov, (202) 502–7606.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audio tape, or compact disc) on request to one of the contact persons listed in this section.

Electronic Access to This Document: The official version of this document is the document published in the Federal Register. Free internet access to the official edition of the Federal Register and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the Federal Register by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1057–1059g, 1067q, 1068a, and 1101–1103g.

Dated: December 9, 2011.

Eduardo M. Ochoa,
Assistant Secretary for Postsecondary Education.

[FR Doc. 2011–32196 Filed 12–14–11; 8:45 am]
BILING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Graduate Assistance in Areas of National Need

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information

Graduate Assistance in Areas of National Need (GAANN) Program.

Notice inviting applications for new awards for fiscal year (FY) 2012.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.200A.