

35. The Agreement may be used in interpreting the final Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict the terms or the Agreement and the final Order. The Agreement shall not be waived, amended, modified, or otherwise altered without written agreement thereto, executed by the party against whom such waiver, amendment, modification, or alteration is sought to be enforced.

36. If any provision of the Agreement or the final Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the final Order, such provision shall be fully severable. The balance of the Agreement and the final Order shall remain in full force and effect, unless the Commission and Aqua Leisure agree that severing the provision materially affects the purpose of the Agreement and final Order.

37. This Agreement may be signed in counterparts.

AQUA-LEISURE INDUSTRIES, INC.

Dated: 8/21/12

By: \_\_\_\_\_

Steven Berenson, CEO  
Aqua-Leisure Industries, Inc.

Dated: 8/21/12

By: \_\_\_\_\_

George Gigounas, Esq.  
Counsel to Aqua-Leisure Industries, Inc.  
DLA Piper  
San Francisco, CA

U.S. CONSUMER PRODUCT SAFETY  
COMMISSION STAFF

Cheryl A. Falvey  
General Counsel

Mary B. Murphy  
Assistant General Counsel  
Division of Compliance

Dated: 9/19/12

By: \_\_\_\_\_

Jennifer W. Feinberg  
Trial Attorney  
Division of Compliance  
Office of the General Counsel

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY  
COMMISSION

In the Matter of: Aqua-Leisure Industries, Inc.  
CPSC Docket No.: 13-C0001

#### ORDER

Upon consideration of the Agreement entered into between Aqua-Leisure Industries, Inc. ("Aqua Leisure"), and U.S. Consumer Product Safety Commission ("Commission") staff, and the Commission having jurisdiction over the subject matter and over Aqua Leisure, and it appearing that the Agreement and the Order are in the public interest, it is

**ORDERED** that the Agreement be, and is, hereby, accepted; and it is

**FURTHER ORDERED**, that Aqua Leisure shall pay a civil penalty in the total amount of six hundred fifty thousand dollars (\$650,000.00), with two hundred fifty thousand dollars (\$250,000.00) paid within twenty (20) days of

service of the Commission's Order upon counsel for Aqua Leisure, and the remaining four hundred thousand (\$400,000.00) paid within one hundred twenty (120) days of service. The payments shall be made electronically to the CPSC via [www.pay.gov](http://www.pay.gov). Upon the failure of Aqua Leisure to make the foregoing payments when due, interest on the unpaid amount shall accrue and be paid by Aqua Leisure at the federal legal rate of interest set forth at 28 U.S.C. § 1961(a) and (b). If Aqua Leisure fails to make such payments as set forth in the Agreement, such conduct will be considered a violation of this Agreement and Order.

Provisionally accepted and provisional Order issued on the 11th day of October, 2012.

BY ORDER OF THE COMMISSION:

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

[FR Doc. 2012-25507 Filed 10-16-12; 8:45 am]

BILLING CODE 6355-01-P

#### DEPARTMENT OF DEFENSE

#### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2012-0076; Sequence 36; OMB  
Control No. 9000-0147]

#### Federal Acquisition Regulation; Information Collection; Pollution Prevention and Right-to-Know Information (FAR 52.223-5)

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

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning pollution prevention and right-to-know information.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulations (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity

of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before December 17, 2012.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0147, Pollution Prevention and Right-to-Know Information by any of the following methods:

- [Regulations.gov](http://www.regulations.gov): <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0147, Pollution Prevention and Right-to-Know Information". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0147, Pollution Prevention and Right-to-Know Information" on your attached document.

- *Fax:* 202-501-4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000-0147, Pollution Prevention and Right-to-Know Information.

*Instructions:* Please submit comments only and cite Information Collection 9000-0147, Pollution Prevention and Right-to-Know Information, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Marissa Petrussek, Procurement Analyst, Office of Acquisition Policy, GSA, (202) 501-0136 or email [marissa.petrusek@gsa.gov](mailto:marissa.petrusek@gsa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

As implemented in Federal Acquisition Regulation (FAR) Subpart 23.10, Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance, signed on October 5, 2009 (74 FR 52117, October 8, 2009) and Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management, signed on January 24, 2007 (72 FR 3919, January 26, 2007), mandates compliance with right-to-

know laws and pollution prevention requirements; implementation of an Environmental Management System (EMS); and completion of Facility Compliance Audits (FCAs).

This information collection will be accomplished by means of FAR clause 52.223-5. This clause requires that Federal facilities comply with the planning and reporting requirements of the Pollution Prevention Act (PPA) of 1990 (42 U.S.C. 13101-13109) and the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (42 U.S.C. 11001-11050). Additionally, this clause requires contractors to provide information necessary so that agencies can implement EMSs and complete FCAs at certain Federal facilities.

### B. Annual Reporting Burden

The estimated annual reporting burden is slightly decreased since published in the **Federal Register** at 74 FR 48745, on September 24, 2009. The adjustment is made based on current data and consultation with Federal Government subject matter experts familiar with the requirements under this information collection.

*Number of Respondents:* 5,401.

*Responses per Respondent:* 1.

*Total Annual Responses:* 5,401.

*Hours per Response:* 3.7493.

*Estimated Total Burden Hours:* 20,250.

### Obtaining Copies of Proposals

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control Number 9000-0147, Pollution Prevention and Right-to-Know Information, in all correspondence.

Dated: October 11, 2012.

**William Clark,**

*Acting Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2012-25575 Filed 10-16-12; 8:45 am]

**BILLING CODE 6820-EP-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2012-0076; Sequence 30; OMB Control No. 9000-0069]

### Federal Acquisition Regulation; Information Collection; Indirect Cost Rates

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

**ACTION:** Notice of request for comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Indirect Cost Rates.

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before December 17, 2012.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0069, Indirect Cost Rates, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0069, Indirect Cost Rates". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0069, Indirect Cost Rates" on your attached document.

- *Fax:* 202-501-4067.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000-0069, Indirect Cost Rates.

*Instructions:* Please submit comments only and cite Information Collection 9000-0069, Indirect Cost Rates, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curtis E. Glover, Sr., Procurement Analyst, Contract Policy Division, GSA, (202) 501-1448 or via email at [Curtis.glover@gsa.gov](mailto:Curtis.glover@gsa.gov).

### A. Purpose

The contractor's proposal of final indirect cost rates is necessary for the establishment of rates used to reimburse the contractor for the costs of performing under the contract. The supporting cost data are the cost accounting information normally prepared by organizations under sound management and accounting practices.

The proposal and supporting data is used by the contracting official and auditor to verify and analyze the indirect costs and to determine the final indirect cost rates or to prepare the Government negotiating position if negotiation of the rates is required under the contract terms.

### B. Annual Reporting Burden

The information collection in the FAR remains unchanged.

*Respondents:* 3,000.

*Responses per Respondent:* 1.

*Annual Responses:* 3,000.

*Hours per Response:* 2,188.

*Total Burden Hours:* 6,564,000.

#### *Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control No. 9000-0069, Indirect Cost Rates, in all correspondence.

Dated: October 10, 2012.

**William Clark,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2012-25554 Filed 10-16-12; 8:45 am]

**BILLING CODE 6820-EP-P**