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Program Authority: 20 U.S.C. 1138–1138d.

Dated: December 9, 1999.

A. Lee Fritschler,

Assistant Secretary for Postsecondary Education.

[FR Doc. 99–32670 Filed 12–15–99; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

[CFDA No.: 84.235H]

Special Demonstration Programs; Correction Notice; Notice of Changes in Application Kit and Extension of Deadline Dates

Applicable Regulations: A notice inviting applications for new awards for fiscal year (FY) 2000 was published in the **Federal Register** on August 27, 1999 (64 FR 46897). That application notice cited applicable regulations as follows: 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 369.

Please note that the statutory changes in sections 7 and 303(b) of the Rehabilitation Act of 1973, as amended, supersede the following sections of the regulations in 34 CFR part 369:

1. Section 369.1(b)(2), which limited special demonstration programs to those providing vocational rehabilitation services.

2. Section 369.2(b), which limited eligibility for assistance to those entities providing vocational rehabilitation services.

3. Section 369.4, which contained definitions. The applicable definitions are in section 7 of the Rehabilitation Act of 1973, as amended.

In addition, the following changes should be made to the application kit, which was sent to potential applicants interested in applying for this competition:

1. 34 CFR part 369 applies except for §§ 369.1(b)(2), 369.2(b), and 369.4.

2. Item 11 in Section A of the application kit, including the “SPECIAL PROJECTS DON’T DO” provision, does not apply.

Deadline for Transmittal of Applications: The deadline has been extended to March 3, 2000.

Deadline for Intergovernmental Review: May 2, 2000.

FOR FURTHER INFORMATION CONTACT:

Pamela Martin or Alfreda Reeves, U.S. Department of Education, 400 Maryland Avenue, SW., room 3314, Switzer

Building, Washington, DC 20202–2650. Telephone: (202) 205–8494 or (202) 205–9361. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed in the preceding paragraph.

FOR APPLICATIONS CONTACT: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734. You may also contact ED Pubs via its Web site (<http://www.ed.gov/pubs/edpubs.html>) or its E-mail address (ed_pubs@inet.ed.gov). If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.235H.

Individuals with disabilities may obtain a copy of the application package in an alternate format by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 205–8351. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

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Program Authority: 29 U.S.C. 773(b).

Dated: December 10, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99–32529 Filed 12–15–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel Decision Under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on November 12, 1998, an arbitration panel rendered a decision in the matter of *Steven Erickson v. Washington Department of Services for the Blind (Docket No. R–S/97–1)*. This panel was convened by the U.S. Department of Education pursuant to 20 U.S.C. 107d–1(a) upon receipt of a complaint filed by petitioner, Steven Erickson.

FOR FURTHER INFORMATION: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 400 Maryland Avenue, SW., room 3230, Mary E. Switzer Building, Washington DC 20202–2738. Telephone: (202) 205–9317. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–8298.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Access at: <http://www.access.gpo.gov/nara/index.html>.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (the Act), (20 U.S.C. 107d-2(c)), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged violation of the Act by the Washington Department of Services for the Blind, the State licensing agency (SLA), in denying Mr. Steven Erickson's request to operate 21 vending machines located outside his snack bar facility. A summary of the facts is as follows: Mr. Steven Erickson, the complainant, was licensed by the SLA on May 1, 1992, to operate a snack bar facility, which included vending machines, at the Madigan Army Hospital Medical Center in Fort Lewis, Washington.

In addition to the vending machines located inside the snack bar and operated by the complainant, there were 21 other vending machines at various locations throughout the hospital center. These vending machines were operated and serviced by a private vending company through a contract with the SLA. During 1992 and 1993, as required under the Act, Mr. Erickson received all income generated from the 21 vending machines. In 1995, complainant submitted a request to the SLA that he be permitted to operate the 21 vending machines. This request was denied by the SLA. Mr. Erickson challenged the SLA's refusal to allow him to operate these vending machines.

The SLA alleged that, as the agency designated to administer the Randolph-Sheppard program in the State of Washington, it had the responsibility to arrange for the placement and operation of vending equipment at the Madigan Army Hospital Medical Center. The SLA further alleged that it had valid business reasons for its decision to contract out the operation of the 21 vending machines to a private vending company.

Mr. Erickson requested and received an administrative review of this matter on February 5, 1996. As a result of an adverse decision, the complainant requested an evidentiary hearing, which was held on March 14, 1996. The hearing officer issued a final order on May 9, 1996, finding that the decision by the SLA to contract out the 21 vending machines to a private contractor was a lawful exercise of the agency's discretion and should be affirmed. Mr. Erickson filed for reconsideration of the decision on May

15, 1996. The SLA denied the petition for reconsideration on May 24, 1996. The SLA adopted the hearing officer's decision as final agency action, and it is this decision that Mr. Erickson sought to have reviewed by a Federal arbitration panel. A Federal arbitration hearing on this matter was held on September 24 and 25, 1997.

Arbitration Panel Decision

The issues before the arbitration panel as raised in the complaint were: (1) Whether the order and actions of the Director of the SLA failed to give priority to blind vendors as required by the State statute; (2) whether there was substantial evidence to support the Administrative Law Judge's (ALJ) conclusion that only profits from vending machines inside the snack bar facility were included in the vendor agreement between complainant and the SLA; (3) whether the order and actions of the SLA are arbitrary and capricious with regard to determining which public facilities are available for contracting to blind vendors; (4) whether there was substantial evidence to support the ALJ's finding that the operation of the vending machines by the complainant would place an undue financial burden on the SLA; and (5) whether the SLA correctly concluded that vending machines at the Madigan Army Hospital Medical Center outside the snack bar are not available to blind vendors.

The majority of the arbitration panel found that neither the Act, its implementing regulations, nor the State regulations precluded the SLA from determining that it best served the objectives and needs of the community of blind vendors to divide the permit into two components consisting of a blind vendor's snack bar/espresso bar/cart and a vending machine route operated by a private vending company. This arrangement allowed for the distribution of a percentage of the profits to the SLA, thus allowing the SLA to serve the collective needs of all of the blind vendors.

The panel further concluded that, while the complainant had every right to seek to improve his economic status, his needs conflicted with the SLA's concerns and needs to serve the broader interests of all the blind vendors in the program. In the view of the SLA, licensing individual blind vendors to operate vending machine routes could leave the program without adequate funds to serve the collective needs of all of the blind vendors.

Accordingly, the majority of the panel found that the SLA acted within the scope of its authority. The division of

the permit at the Madigan Army Hospital Medical Center was lawful, and deference must be given to the SLA's expertise in administering the Act in the broad interest of all the blind vendors.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: December 10, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99-32668 Filed 12-15-99; 8:45 am]

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DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on September 25, 1998, an arbitration panel rendered a decision in the matter of *David J. Stewart v. Alabama Department of Rehabilitation Services (Docket No. R-S/97-12)*. This panel was convened by the U.S. Department of Education pursuant to 20 U.S.C. 107d-1(a) upon receipt of a complaint filed by petitioner, David J. Stewart.

FOR FURTHER INFORMATION CONTACT: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 400 Maryland Avenue, SW., room 3230, Mary E. Switzer Building, Washington DC 20202-2738. Telephone: (202) 205-9317. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205-8298.

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