

**Applicable Regulations**

The following regulations apply to the Federal Work-Study program:

- (1) Student Assistance General Provisions, 34 CFR Part 668.
- (2) Federal Work-Study Programs, 34 CFR Part 675.
- (3) Institutional Eligibility Under the Higher Education Act of 1965, as amended, 34 CFR Part 600.
- (4) New Restrictions on Lobbying, 34 CFR Part 82.
- (5) Government Debarment and Suspension (Nonprocurement) and Government Requirements for Drug-Free Workplace (Grants), 34 CFR Part 85.
- (6) Drug-Free Schools and Campuses, 34 CFR Part 86.

**FOR FURTHER INFORMATION CONTACT:** To receive information, contact Ms. Sandra Donelson, Institutional Financial Management Division, U.S. Department of Education, P.O. Box 23781 Washington, D.C. 20026-0781. Telephone (202) 708-9751. 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.

**Authority:** 42 U.S.C. 2753.

**Dated:** March 21, 1997.

**David A. Longanecker,**

*Assistant Secretary, for Postsecondary Education.*

[FR Doc. 97-9184 Filed 4-9-97; 8:45 am]

BILLING CODE 4000-01-P

**DEPARTMENT OF EDUCATION****President's Board of Advisors on Historically Black Colleges and Universities; Meeting**

**AGENCY:** President's Board of Advisors on Historically Black Colleges and Universities, Education.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and agenda of the initial meeting of the President's Board of Advisors on Historically Black Colleges and Universities. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

**DATES AND TIMES:** Tues. May 6, 1997 from 2:00 pm to 5:00 pm, and Wed. May 7, 1997 from 9:00 am to 5:00 pm.

**ADDRESSES:** Sheraton City Centre Hotel, 1143 New Hampshire Av. NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Amy Billingsley, White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 600 Independence Avenue, SW, The Portals Building, Suite 605, Washington, DC 20202-5120. Telephone: (202) 708-8667.

**SUPPLEMENTARY INFORMATION:** The President's Board of Advisors on Historically Black Colleges and Universities is established under Executive Order 12876 of November 1, 1993. The Board is established to advise on the financial stability of Historically Black Colleges and Universities, to issue an annual report to the President on HBCU participation in Federal programs, and to advise the Secretary of Education on increasing the private sector role in strengthening HBCUs.

The meeting of the Board is open to the public. The agenda includes: discussion of the Board's Report, overview of White House Initiative activities, and discussion on status of Black colleges.

Records are kept of all Board proceedings, and are available for public inspection at the White House Initiative on Historically Black Colleges and Universities at 1250 Maryland Ave. SW, Washington, DC 20224, from the hours of 8:30 am to 5:00 pm.

**Dated:** April 4, 1997.

**David A. Longanecker,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 97-9212 Filed 4-9-97; 8:45 am]

BILLING CODE 4000-01-M

**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 August 30, 1996, an arbitration panel rendered a decision in the matter of *The State of Nevada, Bureau of Services to the Blind v. U.S. Department of Interior, Bureau of Reclamation* (Docket No. R-S/95-3). This panel was convened by the U.S. Department of Education pursuant to 20 U.S.C. 107d-1(b), upon receipt of a complaint filed by the State of Nevada, Bureau of Services to the Blind.

**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, 600 Independence Avenue, S.W., Room 3230, Mary E. Switzer Building, Washington, D.C. 20202-2738.

Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

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

**Background**

The State of Nevada, Bureau of Services to the Blind, the State licensing agency (SLA), alleged that the Department of Interior, Bureau of Reclamation (Reclamation) violated the Randolph-Sheppard Act (the Act), pursuant to 20 U.S.C. 107 *et seq.* and implementing regulations in 34 CFR Part 395.

The SLA established three vending facilities under permit at the Hoover Dam near Boulder City, Nevada. Two of the vending facilities (the Hoover Dam Snacketeria and the Nevada Lookout Point, which is also known as the Hoover Dam Store) were established in 1981. The third location, known as the Arizona Lookout Point, was established in 1982.

The SLA's allegations are as follows: Reclamation notified the SLA of its intention to terminate the permits of the three facilities. Reclamation then sent the SLA, for its approval, a Special Use Agreement limited to 10 years and requiring the blind vendors to pay a fee of 10 percent of the gross sales in addition to rent.

Subsequently, the SLA was informed by Reclamation that it would solicit open bids for concessions at the Hoover Dam if the SLA did not sign the Special Use Agreement. In addition, the SLA discovered in January 1995 that Reclamation had operated vending machines at the Hoover Dam independently of the blind vendors since January 1, 1975. Reclamation had never paid the SLA vending machine income as required under the Act.

Conversely, Reclamation alleged as follows: The Randolph-Sheppard Act does not require vending facilities in the parking ramp or the Visitors Center and, therefore, the SLA may operate vending facilities at this site only upon terms that are mutually agreeable. Further, the Act does not require Reclamation to pay for alleged relocation and other costs attendant to any move that might occur. In addition, Reclamation is not responsible for more than 30 percent of any vending revenues at the Hoover Dam because the Visitors Center and parking ramp would house fewer than

100 Federal employees during normal working hours.

On March 6, 1996, the SLA filed a request with the Secretary of Education to convene an arbitration panel pursuant to the Act and regulations.

On January 23 and 24, 1996, an arbitration hearing was held concerning the SLA's charges of alleged violations of the Act and regulations by Reclamation. The issues heard by the panel were—(1) Whether Reclamation was responsible for certain relocation costs of two vending facilities at the Hoover Dam; (2) whether Reclamation was required to provide a suitable site to blind vendors in the newly constructed parking garage or Visitors Center at the Hoover Dam and to pay for relocation costs, architectural fees, and other associated costs; (3) whether Reclamation is required to comply with the vending machine income-sharing provisions of the Act and implementing regulations; and (4) whether the SLA lost its right to claim income from vending machines based upon waiver, estoppel, or laches?

#### Arbitration Panel Decision

The majority of the Arbitration Panel found that, while Reclamation was not responsible for relocation costs, it was nevertheless responsible for providing suitable sites to the blind licensees operating the Hoover Dam Store and the Hoover Dam Snacketeria in the newly constructed facility under the existing indefinite permits, without additional payments of rent and commissions on sales to Reclamation. The panel stated that Reclamation may not require, as a condition of continuing or establishing a vending facility in the parking ramp or at the Arizona Lookout, the payment of commissions on sales, rent, or other charges not included in the indefinite permit, nor can Reclamation require the SLA or the vendors to sign any time-limited contract, special use agreement, or other document of this kind.

The panel concluded that to require the SLA to pay rent and commissions on sales would be a violation of 34 CFR 395.31(d) and would be inconsistent with the ruling in *State of Minnesota, Department of Jobs and Training v. Riley*, 18 Fd.3rd 606 (8th Cir. 1994).

The panel further found that Reclamation will move, at its expense, the stock and equipment owned by the blind licensees operating the Hoover Dam Snacketeria and the Hoover Dam Store from the temporary facilities to the new location in the parking ramp and provide space consistent with discussions held with the SLA. The SLA will bear the responsibility of the cost to complete the internal space.

In addition, the panel ruled that pursuant to 34 CFR 395.32 (a) and (d) Reclamation is liable to the SLA for 30 percent of all vending machine income derived since January 2, 1975, from the machines located inside the Hoover Dam. Therefore, Reclamation will identify and account for the revenues earned since that date that are owed.

One panel member dissented from the majority opinion.

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

Dated: April 4, 1997.

**Judith E. Heumann,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 97-9182 Filed 4-9-97; 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 20, 1996, an arbitration panel rendered a decision in the matter of *Valerie Hazimeh v. Massachusetts Commission for the Blind (Docket No. R-S/96-1)*. 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, Valerie Hazimeh.

**FOR FURTHER INFORMATION CONTACT:** A copy of the full text of the arbitration panel decision may be obtained from George F. Arnsow, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3230, Mary E. Switzer Building, Washington D.C. 20202-2738. Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Randolph-Sheppard 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

Ms. Valerie Hazimeh, complainant, operated a concession/vending facility at the Chelsea Soldier's Home in Massachusetts in the Spring of 1995.

The operation of this facility included the selling of lottery tickets.

In May 1995, the Massachusetts Commission for the Blind, the State licensing agency (SLA), advertised an opening of a vending location at the Department of Veterans Affairs (DVA) Medical Center, 7th floor, 251 Causeway Street, Boston, Massachusetts. The advertisement of this location indicated that a lottery license would be required for the sale of lottery tickets.

Subsequently, on June 15, 1995, the SLA awarded the DVA Medical Center vending facility to the complainant. Ms. Hazimeh signed an operator's agreement for this location with the understanding that the sale of lottery tickets was allowed, as she already was a licensed dealer of lottery tickets and had made lottery sales at her former vending facility location.

On June 26, 1995, DVA informed the SLA that it would no longer allow lottery sales at the Medical Center vending facility due to the fact that the Center treated persons with addictive disorders, including gambling.

Following DVA's denial of the lottery sales at the Medical Center, the SLA attempted to persuade the DVA to reverse its decision. However, DVA maintained its June 26, 1995, position suspending lottery sales.

The complainant alleged that the number of persons affected by a gambling addiction was small and that the permit agreement between DVA and the SLA specifically allowed for the sale of Massachusetts lottery tickets. The complainant requested that the SLA file for an arbitration against DVA, alleging failure of DVA to comply with the permit under the provisions of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107 *et seq.* The SLA decided not to file for arbitration against DVA. However, the SLA offered Ms. Hazimeh an opportunity to return to her former vending location, where lottery sales were permitted, and to bid on the next available location that would allow lottery sales.

The complainant rejected the SLA's offer and filed a request for a fair hearing, which was conducted on November 20, 1995, before an impartial hearing officer. The hearing officer's ruling affirmed the SLA's decision not to file for arbitration against DVA. The hearing officer ruled that the complainant failed to sustain the burden of proof that the SLA was obligated to file for an arbitration against DVA on her behalf. Further, the hearing officer ruled that the SLA's decision not to file for arbitration against DVA was within its discretion pursuant to 34 CFR 395.37(a).