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Brig Gen Charles F. Wald
Mr. Robert E. Corsi

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Brig Gen Robert P. Bongiovi
Brig Gen Todd I. Stewart
Ms. Genevieve M. Haddad

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Alternate Air Force Federal Register Liaison Officer.

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DEPARTMENT OF EDUCATION

Notice Establishing Deadlines for Submission of Requests for Waivers and Waiver Extensions That Would Directly Affect School-Level Activities

ACTION: Notice establishing deadlines for the submission of requests for waivers and waiver extensions that would directly affect school-level activities.

SUMMARY: In this notice, the Acting Deputy Secretary establishes deadlines for the submission of previously granted waivers and for the submission of new waiver requests under sections 14401 and 1113(a)(7) of the Elementary and Secondary Education Act of 1965 (ESEA), section 311(a) of the Goals 2000: Educate America Act, and section 502 of the School-to-Work Opportunities Act of 1994.

DATES: Except in extraordinary circumstances, the following deadlines apply to requests for waivers or waiver extensions affecting school-level activities:

Requests for waivers that would be implemented in the semester immediately following January 1, 1999 must be submitted no later than October 1, 1998.

Requests for waivers that would be implemented in the beginning of the 1999-2000 school year must be submitted no later than April 1, 1999.

These deadlines apply only to waivers that would directly affect school-level activities. For example, the deadlines would apply to requests for waivers of the Title I targeting provisions or of the minimum poverty threshold required for implementation of a schoolwide program. However, the deadlines would not apply to waivers of requirements relating to the consolidation of administrative funds.

SUPPLEMENTARY INFORMATION: Waiver applicants are encouraged to submit their requests as early as possible and not wait until the deadlines to seek

waivers. The requests will be reviewed upon receipt.

For purposes of this notice, the submission date is the date that the waiver request is received by the U.S. Department of Education (Department) in substantially approvable form. A waiver request is considered to be in substantially approvable form when it has adequately addressed the applicable statutory criteria governing waivers.

During the period of time new waiver requests are under review by the Department, a waiver applicant must continue to comply with the requirement that is the subject of the waiver request.

ADDRESS FOR SUBMISSION OF REQUESTS:

All requests for waivers or waiver extensions should be submitted to the following address: Assistant Secretary for Elementary and Secondary Education, Attention: Waiver Staff, U.S. Department of Education 400 Maryland Avenue, SW, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Information on waivers may be obtained from the Department's Waiver Assistance Line, (202) 401-7801. Copies of the Department's updated waiver guidance, which provide examples of waivers and describe how to apply for a waiver, are available at this number. The guidance, along with other information on flexibility, is also available at the Department's World Wide Web site at <http://www.ed.gov/> flexibility.

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.

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Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone (202) 219-1511 or, toll free, 1-800-222-4922. These documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of a document is the document published in the **Federal Register**.

Dated: August 4, 1998.

Marshall S. Smith,

Acting Deputy Secretary.

[FR Doc. 98-21402 Filed 8-10-98; 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 March 31, 1998, an arbitration panel rendered a decision in the matter of *Herbert E. Brown v. Ohio Rehabilitation Services Commission, Bureau of Services for the Visually Impaired (Docket No. R-S-/97-6)*. 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, Herbert E. Brown.

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, DC 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.

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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Note: The official version of this document is the document published in the **Federal Register**.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c)) (the Act), 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

Complainant Herbert E. Brown, a blind vendor, operated a snack bar facility with vending machines at the headquarters of the Ohio Department of Natural Resources (ODNR) in Columbus, Ohio from 1989 until his removal from the facility in January 1995.

This dispute concerns complainant's removal as the manager of the ODNR snack bar vending facility. In December 1994, Mr. Brown requested and received permission from the Ohio Rehabilitation Services Commission, Bureau of Services for the Visually Impaired, the State licensing agency (SLA), to take a vacation from December 20, 1994 to January 5, 1995 outside the State of Ohio.

In accordance with the operator's agreement and the SLA's rules and regulations governing the Randolph-Sheppard Vending Facility Program, complainant designated his employee to operate the facility in his absence. Complainant did not leave a telephone number where he could be reached during his vacation with either his employee or the SLA.

On December 21, 1994, complainant's employee fell and broke her leg en route to open the vending facility. The employee was hospitalized until January 2, 1995. A member of the SLA staff visited the employee in the hospital on December 21, 1994 and obtained the keys to the snack bar. On December 22, 1994, the SLA secured a substitute vendor to operate the vending machines that were a part of the facility. However, the over-the-counter food service of the snack bar remained closed. Mr. Brown learned on December

23 that his employee had broken her leg and was not operating the vending facility. Complainant thereafter attempted to reach the SLA staff but was unsuccessful. Complainant left a message with an SLA staff member that he was unable to return to Ohio due to illness. However, complainant again did not leave a telephone number where he could be reached.

On January 4, 1995, the SLA took possession of the vending facility and prepared a closing inventory. Mr. Brown was not present, and, according to the closing inventory, he owed the SLA \$621.15.

On January 5, 1995, Mr. Brown returned to Ohio and met with the SLA staff. The staff provided complainant with written notification of his removal as manager of the vending facility and the termination of his operator's agreement. The SLA alleged that Mr. Brown had violated the SLA's rules and regulations and vendor operator's agreement by failing to have the facility open at specific times, failing to find an immediate replacement for the employee who had been hospitalized, not leaving a telephone number where complainant could be reached, and abandoning his facility.

Complainant gave the SLA a handwritten note on January 5, 1995 contesting the closing inventory amount of \$621.15. However, the SLA did not treat Mr. Brown's note as a first step in the grievance process under its rules and regulations, and it considered the matter closed.

Pursuant to the SLA's rules and regulations, a vendor is ineligible to apply for operation of another vending facility if there is an outstanding closing inventory balance.

Mr. Brown requested and received a State fair hearing on the issue of his removal from the ODNR vending facility and the termination of his operator's agreement. The hearing officer affirmed the SLA's decision to remove complainant and to terminate his operator's agreement. It was that decision that Mr. Brown sought to have reviewed by a Federal arbitration panel. A hearing was held on October 31, 1997.

Arbitration Panel Decision

The issues before the arbitrator panel were whether the actions by the SLA to remove Mr. Brown from managing his vending facility and to terminate his operator's agreement were in accordance with the Act, implementing regulations, and State rules and regulations.

Regarding the issues of removal of complainant from his vending facility and termination of his operator's

agreement, the panel was unanimous in finding that, given the unique facts and circumstances of the matter, the SLA's actions were improper. The panel concluded that, while complainant was not blameless in the matter, Mr. Brown had not abandoned his facility and so completely abrogated his duties as to merit removal and termination of his operator's agreement. The panel ruled that complainant should be reinstated to the first available vending facility in the Columbus, Ohio area, which is defined as Franklin County, Ohio. The panel declined to award Mr. Brown any monetary damages.

The panel directed the SLA to immediately begin the grievance process permitting Mr. Brown to contest the closing inventory amount. The arbitration panel further directed that the closing inventory issue be resolved *before* Mr. Brown is reinstated to a vending facility in compliance with the panel's decision and award.

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

Dated: August 6, 1998.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 98-21542 Filed 8-10-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-366-000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

August 5, 1998.

Take notice that on July 31, 1998, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, the following tariff sheets to become effective September 1, 1998:

Second Revised Volume No. 1

Twenty-Third Revised Sheet No. 17

Original Volume No. 2

Sixteenth Revised Sheet No. 14

ANR states that the above-referenced tariff sheets are being filed to eliminate the Volumetric Buyout Buydown Surcharge filed in Docket No. RP96-328-000 due to the expiration of such surcharge.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission,