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[FR Doc. 01–15093 Filed 6–14–01; 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 October 20, 2000, an arbitration panel rendered a decision in the matter of *Alabama Department of Rehabilitation Services v. Department of Veterans Affairs, Veterans Canteen Service (Docket No. R–S/98–7).* 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 petitioner, the Alabama Department of Rehabilitation Services.

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 alternative 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**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

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

This dispute concerns the alleged violation by the Department of Veterans Affairs (DVA), Veterans Canteen Service (VCS), of the priority provisions of the Act (20 U.S.C. 107 *et seq.*) and implementing regulations in 34 CFR part 395 at DVA/VCS Medical Centers in Alabama.

A summary of the facts is as follows: In 1995, the Alabama Department of Rehabilitation Services, the State licensing Agency (SLA), submitted permit applications to establish Randolph-Sheppard vending facilities on four Federal properties maintained and operated by DVA and VCS in Alabama. The permits were for the Veterans Administration Medical Center, Tuskegee; the Regional Office and DVA Medical Center, Montgomery; the Veterans Hospital, Birmingham; and the Veterans Administration Hospital, Tuscaloosa.

By letter dated July 11, 1996, DVA acknowledged receipt of the permit applications and informed the SLA that a decision would be made after a review had been conducted to determine whether there were any plans to acquire, occupy, or otherwise engage in any substantial alterations or renovations of the involved buildings. The SLA did not receive any further communication from DVA or VCS until March 4, 1998. On that date, DVA wrote to the SLA advising that the Montgomery and Tuskegee facilities did not plan any construction that would require notice to the SLA and indicating that there was no suitable existing space available for the location of blind vending facilities at those centers. The letter informed the SLA that the hospitals at Birmingham and Tuscaloosa planned substantial alterations and renovations. The DVA forwarded the SLA's applications for permits at these hospitals to the directors of those facilities.

Following receipt of DVA's March 4th letter, representatives of the SLA met with the Directors or their designees of the DVA Medical Centers located in Birmingham and Tuscaloosa. On May 21, 1998, the SLA wrote each Director asking for a response to the applications that had been pending since 1995. The SLA did not receive any response and in June 1998 filed with the Department of Education a request for arbitration of the matter.

In July 1998, the Tuscaloosa Director notified the SLA that DVA/VCS intended to occupy a building that might contain a satisfactory site for the establishment of a vending location for a blind vendor. On July 20, 1998, the SLA responded that it would send a representative to develop a site specific survey. In September 1998, the attorney for the SLA contacted the attorney for DVA and requested a meeting to negotiate a resolution to the issues.

In a letter dated November 9, 1998, the DVA denied the SLA's second application filed in August 1998 to establish vending locations at the Tuscaloosa facility. Based upon information that the average income for its blind vendors was $25,000, the SLA previously had determined that it would take $100,000 in gross sales at the Tuscaloosa facility to provide a net income of $25,000 for a blind vendor. In the letter, the DVA indicated to the SLA that the $100,000 gross sales requirement for a possible vending location at the Tuscaloosa facility would include practically all of the gross sales, and the DVA would not give up the operation.

The SLA notified the Department of Education by letter dated December 8, 1998 that no decision had been issued by DVA on its request to establish vending facilities at the DVA Medical Centers. Therefore, the SLA requested that the arbitration should proceed. A hearing on this matter was held on January 11–12, 2000.

Arbitration Panel Decision

The central issue before the arbitration panel was whether DVA/VCS's determination that no existing suitable space was available for blind vending facilities at DVA's Montgomery and Tuskegee locations and the failure of DVA's Medical Directors at the Birmingham and Tuscaloosa locations to approve the permit applications for blind vending facilities were contrary to and in violation of the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.*, and the implementing regulations in 34 CFR part 395.

The arbitration panel found that DVA/VCS did not comply with the Act in processing the SLA's 1995 permit 1 applications. Nor did DVA/VCS give reasons for its denial of permits at the Montgomery and Tuskegee Medical Centers as required by the Act and regulations in 34 CFR 395.16.

The panel also concluded that, at the Tuscaloosa and Birmingham locations, DVA/VCS did not provide the SLA with timely notice of the substantial

renovations at these sites as required by the Act and implementing regulations in 34 CFR 395.31(c). Furthermore, during the renovations at the Birmingham and Tuscaloosa Medical Centers, DVA/VCS failed to provide the SLA with access to the facilities, personnel numbers, or financial data pertaining to the vending operations, as required by the Act, to determine if a suitable site existed.

Therefore, for the previously stated reasons, the arbitration panel ruled that DVA/VCS had violated the Randolph-Sheppard Act. However, the panel stated that it did not have the authority to prescribe remedies. It noted that DVA/VCS' current position is that it is presently in compliance with the Randolph-Sheppard Act.

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

Dated: June 12, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

[FR Doc. 01–15153 Filed 6–14–01; 8:45 am]

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DEPARTMENT OF ENERGY

National Energy Technology Laboratory; ''Identification and Demonstration of Preferred Upstream Management Practices II (Pump II) for the Oil Industry'

AGENCY: National Energy Technology Laboratory (NETL), Department of Energy (DOE).

ACTION: Notice of availability of a financial assistance solicitation.

SUMMARY: Notice is hereby given of the intent to issue Financial Assistance Solicitation No. DE–PS26–01BC15300 entitled ''Identification and Demonstration of Preferred Upstream Management Practices II (PUMP II) for the Oil Industry.'' The Department of Energy (DOE) National Energy Technology Laboratory (NETL), on behalf of its National Petroleum Technology Office (NTPO), seeks cost-shared research and development applications for identification of preferred management practices (PMP) and technology solutions addressing a production barrier in a region and the documentation of these practices for use by the oil industry. Applications will address either the development of public play portfolios addressing a region where the application of preferred geologic and engineering practices will identify significant exploration and development reserves or demonstrations of new methods/protocols for data sharing among operators, organizations and agencies to improve the processing of information necessary for approving and managing the operations of the industry. As in the PUMP I solicitation in 2000, the near-term goal is to advance technology capabilities and to increase current domestic oil production quickly.

An Information Package is available on the NETL's Homepage at http://www.netl.doe.gov/business for viewing and downloading. The Information Package contains general information regarding the proposed solicitation.

DATES: The solicitation will be available on the DOE/NETL's Internet address at http://www.netl.doe.gov/business on or about June 12, 2001.

FOR FURTHER INFORMATION CONTACT: Keith R. Miles, U.S. Department of Energy, National Energy Technology Laboratory, P.O. Box 10940, MS 921–166, Pittsburgh, PA 15236–0940, E-mail Address: miles@netl.doe.gov, Telephone Number: 412/386–5984.

SUPPLEMENTARY INFORMATION: The National Petroleum Technology Office of the Department of Energy (DOE) Office of Fossil Energy (FE) National Energy Technology Lab (NETL) is soliciting cost-shared applications for identification of preferred management practices (PMP) and technology solutions addressing information-related barriers and data-sharing solutions to a production barrier in a region and the documentation of these practices for use by the industry. The near-term goal is to increase current domestic oil production quickly.

The mission of the Department of Energy's Fossil Energy Oil Program is driven by the needs of the oil producers. The overall program is designed to develop unique technologies and processes to locate untapped resources; to extend the life of domestic energy resources; and to reduce well abandonment-all essential to maximizing the production of domestic resources while protecting our environment. The National Petroleum Technology Office's Preferred Upstream Management Practices (PUMP) program as a part of this overall goal is designed to facilitate production of existing oil reserves more quickly without sacrificing efficiency or environmental protection.

Based on prior successful results from demonstrations of under-utilized or advanced technology coupled with reservoir characterization, the DOE Oil Program seeks to demonstrate that the identification and use of PMP can overcome regional constraints to increased production.

The program will accept proposals that combine the identification of public play portfolios using preferred advanced geologic and engineering practices and technology to overcome regional production constraints and aggressive technology transfer that will promote the use of those practices. In addition, the program will accept proposals that demonstrate preferred management practices and technology to encourage data-sharing in the industry and government regulating oil and gas production. Barriers can be identified as technical, physical, regulatory, environmental, or economic. The selected projects are expected to employ the following four (4) strategies in order to have a rapid impact on production: (1) Focus on regions that present the biggest potential for additional oil production quickly, (2) integrate solutions to technological, economic, regulatory, and data constraints, (3) demonstrate the validity of these practices either through field demonstration during the project or documentation of well-run successful past demonstration, and (4) use known technology transfer mechanisms.

Using a regional approach where the projects will have a wide applicability, an integrated approach scheduling tasks along parallel paths to facilitate a quicker response, and operating with existing networks, the production results in the field should be accelerated. The documentation and evaluation of the PMP will be a valuable resource to all producers in the applicable area and possibly other regions as well.

This program expects near-term results and actions that will create data or technological resources suitable for long-term use. Teaming is encouraged and the proposal partners could include, but not be limited to, producers, producer organizations, universities, service companies, State agencies or organizations, non-Federal research laboratories, and Native American Tribes or Corporations. They will demonstrate practices and/or technologies that can increase production, increase cost savings, or rapid returns on the capital investments of the operators. New technologies/processes or under-used but effective applications of existing technologies/processes critical to a region will be demonstrated. The DOE will make publicly available over the Internet the data on preferred practices resulting from this program. The resulting publicly available databases of the preferred practices will be interactive,