

(B) Waivers Approved Under the Maintenance of Effort Waiver Authority in Section 14501(c) of the ESEA

(1) *Name of Applicant:* Nebraska Department of Education, Lincoln, NE.
Requirement Waived: Section 14501(a) for Title I, Part A; Title II; and Title IV of the ESEA.

Duration of Waiver: Through the duration of the reauthorization period.
Date Granted: August 19, 1996.

(C) States Selected for Participation in the Education Flexibility Partnership Demonstration Program Under Section 311(e) of the Goals 2000: Educate America Act

(1) *State:* Colorado.
Duration of Ed-Flex Authority: Five years.

Date Granted: July 10, 1996.
(2) *State:* New Mexico.
Duration of Ed-Flex Authority: Five years.
Date Granted: August 30, 1996.

FOR FURTHER INFORMATION CONTACT: Collette Roney on the Department's Waiver Assistance Line at (202) 401-7801. The Department's Waiver Guidance, which provides examples of waivers, explains the waiver authorities in detail, and describes how to apply for a waiver, is also available at this number. In addition, the guidance and other information on flexibility are 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.

Dated: March 27, 1997.

Marshall S. Smith,

Acting Deputy Secretary.

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DEPARTMENT OF EDUCATION

[CFDA No.: 84.033]

Office of Postsecondary Education; Federal Work-Study Programs

AGENCY: Department of Education.

ACTION: Notice of the closing date for institutions to submit a request for a waiver of the requirement that an institution shall use at least five percent of the total amount of its Federal Work-Study (FWS) Federal funds granted for the 1997-98 award year to compensate students employed in community service jobs.

SUMMARY: The Secretary gives notice to institutions of higher education of the deadline for an institution to submit a written request for a waiver of the statutory requirement that an institution shall use at least five percent of its total FWS Federal funds granted for the 1997-98 award year (July 1, 1997 through June 30, 1998) to compensate students employed in community service jobs.

DATES: *Closing Date for submitting a Waiver Request and any Supporting Information or Documents.* To request a waiver of the requirement that an institution use at least five percent of the total amount of its FWS Federal funds granted for the 1997-98 award year to compensate students employed in community service jobs, an institution must mail or hand-deliver its waiver request and any supporting information or documents on or before June 20, 1997. The Department will not accept a waiver request submitted by facsimile transmission. The waiver request must be submitted to the Institutional Financial Management Division at one of the addresses indicated below.

ADDRESSES: *Waiver Request and any Supporting Information or Documents Delivered by Mail.* The waiver request and any supporting information or documents delivered by mail must be addressed to Ms. Sandra Donelson, Institutional Financial Management Division, U.S. Department of Education, P.O. Box 23781 Washington, D.C. 20026-0781.

An applicant must show proof of mailing its waiver request by June 20, 1997. Proof of mailing consist of one of the following: (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service, (2) a legibly dated U.S. Postal Service postmark, (3) a dated shipping label, invoice, or receipt from a commercial carrier, or (4) any other proof of mailing acceptable to the U.S. Secretary of Education.

If a waiver request is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An institution should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with its local post office. An institution is encouraged to use certified or at least first-class mail. Institutions that submit waiver requests and any supporting information or documents after the closing date will not be considered for a waiver.

Waiver Requests and any Supporting Information or Documents Delivered by Hand. A waiver request and any supporting information or documents delivered by hand must be taken to Ms. Sandra Donelson, Campus-Based Financial Operations Branch, Institutional Financial Management Division, Accounting and Financial Management Service, Student Financial Assistance Programs, U.S. Department of Education, Room 4714, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

Hand-delivered waiver requests will be accepted between 8:00 a.m. and 4:30 p.m. daily (Eastern time), except Saturdays, Sundays, and Federal holidays. A waiver request for the 1997-98 award year that is hand-delivered will not be accepted after 4:30 p.m. on June 20, 1997.

SUPPLEMENTARY INFORMATION: Under section 443(b)(2)(A) of the Higher Education Act of 1965, as amended (HEA), an institution must use at least five percent of the total amount of its FWS Federal funds granted for an award year to compensate students employed in community service, except that the Secretary may waive this requirement if the Secretary determines that enforcing it would cause hardship for students at the institution. The institution must submit a written waiver request and any supporting information or documents by the established June 20, 1997 closing date.

The waiver request must be signed by an appropriate institutional official and above the signature the official must include the statement: "I certify that the information the institution provided in this waiver request is true and accurate to the best of my knowledge. I understand that the information is subject to audit and program review by representatives of the Secretary of Education." If the institution submits a waiver request and any supporting information or documents after June 20, 1997 the request will not be considered.

To receive a waiver, an institution must demonstrate that complying with the five percent requirement would cause hardship for students at the institution. To allow flexibility to consider factors that may be valid reasons for a waiver, the Secretary is not specifying the particular circumstances that would support granting a waiver. However, the Secretary does not foresee many instances in which a waiver will be granted. The fact that it may be difficult for the institution to comply with this provision of the HEA is not a basis for granting a waiver.

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