(5) Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), 34 CFR part 85.

(6) Drug-Free Schools and Campuses, 34 CFR part 86.

FOR FURTHER INFORMATION CONTACT: Carolyn Short, Financial Management Specialist, Fund Control Branch, Campus-Based Programs Financial Management Division, Accounting and Financial Management Service, Student Financial Assistance Programs, U.S. Department of Education, Room 4621, Regional Office Building 3, 600 Independence Avenue, S.W., Washington, D.C. 20202–5452, Telephone (202) 708–7741. 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. 2756(b)).
(Catalog of Federal Domestic Assistance Number: 84.033 Federal Work-Study Program)

Dated: January 31, 1995.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 95–2712 Filed 2–2–95; 8:45 am]

BILLING CODE 4000–01–P

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 February 3, 1992, an arbitration panel rendered a decision in the matter of *Karla Todd* v. *Alabama Division of Rehabilitative Services, (Docket No. R–S/90–4).* 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 Karla Todd on June 13, 1990. The Randolph-Sheppard Act creates a priority for blind individuals to operate vending facilities on Federal property. Under this section of the Randolph-Sheppard Act (the Act), a blind licensee dissatisfied with the State's operation or administration of the vending facility program authorized under the Act may request a full evidentiary hearing from the State licensing agency (SLA). If the licensee is dissatisfied with the State agency's decision, the licensee may complain to the Secretary, who is then required to convene an arbitration panel to resolve the dispute.

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 Switzer Building, Washington, D.C. 20202–2738. Telephone: (202) 205–9317. Individuals who use a telecommunications devise for the deaf (TDD) may call the TDD number at (202) 205–8298.

SUPPLEMENTARY INFORMATION: Pursuant to section 107d–2(c) of the Randolph-Sheppard Act, the Secretary is required to publish a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal property.

Background

Karla Todd is a blind vendor licensed by the Alabama Division of Rehabilitative Services, the SLA under the provisions of the Act. On September 20, 1989, Ms. Todd attended a meeting of blind vendors from the Mobile area. At this meeting, the agenda provided for the election of a committee representative for the Committee of Blind Vendors, pursuant to 34 CFR 395.14, which states that the SLA shall provide for the biennial election of a State Committee of Blind Vendors.

At the September meeting, complainant was one of the two candidates nominated for committee representative. A vote was held that resulted in a three to three tie. A second run-off election was held with the same result. A special meeting of blind vendors to resolve the matter was called for October 4, 1989. Prior to the meeting the candidate opposing complainant withdrew.

The SLA sent a letter to the vendors announcing the October 4 meeting, explaining the problem regarding the election on September 20, and stating that the only purpose of the meeting would be to elect a member of the State Committee of Blind Vendors.

Ten vendors attended the October 4, 1989 meeting, including the complainant. Ms. Todd was again nominated along with another vendor. The other vendor received the majority of the votes and was elected to the committee.

Ms. Todd subsequently challenged the candidacy of the vendor elected at the October 4, 1989 meeting, stating that she should have won the election by default when the previous vendor who had received a tie vote with complainant withdrew her candidacy prior to the October 4th meeting. She asserted that proper procedures under the rules and regulations of the Alabama Randolph-Sheppard vending program had not been followed.

Karla Todd requested and received an administrative review with respect to the matter. The SLA upheld the election of the new candidate. Subsequently, complainant requested a full evidentiary hearing.

On March 19, 1990, an evidentiary hearing was held in Montgomery, Alabama. The hearing officer ruled that Ms. Todd's objections were without merit. Subsequently, Ms. Todd appealed this ruling to a Federal arbitration panel, which held a hearing on September 27, 1991.

Arbitration Panel Decision

The issue before the panel was whether the process followed by the SLA on September 20 and October 4, 1989 was consistent with the State rules and regulations governing the day-to-day operations of the Business Enterprise Program.

The SLA argued that the issue before the arbitration panel was not arbitrable since the policies and procedures of the Business Enterprises Program only allow for review of ''actions arising from the operation or administration of a vending facility.'' However, it was the opinion of the majority of the panel that the complainant's argument was persuasive. The Act, in 20 U.S.C. 107b-1, states that the Committee of Blind Vendors shall participate with the Vocational Rehabilitation Agency regarding administrative decisions, policies, and program development decisions affecting the overall administration of the State Vending Facility Program.

The panel concluded that the actions of the Committee of Blind Vendors indeed had an impact on the operation and administration of all vending facilities, and, therefore, the issue was reviewable by the panel.

The panel found that the policies and procedures of the Business Enterprise Program, specifically the section on elections, covered the issue before the panel. The section on elections states, ''[I]f no candidate receives a majority of the votes, a run-off between the two highest vote getters will be held.'' The SLA interpreted this to mean that only one run-off election had to be held, and in the event of a tie in the run-off election, an entirely new election was appropriate. The panel did not concur with the SLA's interpretation of this language. The panel stated that the common sense meaning of the term ''run-off'' is not necessarily a singular act, but implies the act of breaking a tie regardless of the number of times necessary to achieve that goal.

Additionally, the panel noted that the SLA's policies and procedures are silent regarding holding a new election and also regarding a tie occurring during a run-off election. Therefore, the panel found that the language of the policies and procedures of the Business Enterprise Program regarding elections was clear in that once the two highest vote getters were determined, those two vote getters would continue with a run-off election until one of the vote getters ultimately won the election.

On September 26, 1991, a new election was held. The SLA petitioned the panel to declare the issue moot in light of the new election. The complainant requested that the panel unseat the person elected on October 4, 1989, as well as the person elected on September 26.

The panel ruled that the election process held by the SLA on October 4, 1989 was a violation of the policies and procedures of the Business Enterprise Program and, further, that Karla Todd won the run-off election that began on September 20, 1989. However, since a new and undisputed election was held on September 26, 1991, the panel concluded it was without authority to upset that election, and, therefore, the issue as to the appropriateness of the election held on October 4, 1989 was moot and no remedy could be fashioned.

Panel member Harris dissented, indicating that the rules of the Business Enterprise Program were silent regarding the situation of a run-off election, and, therefore, the SLA did not violate its own policy.

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

Dated: January 30, 1995.

Judith E. Heumann,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 95–2683 Filed 2–2–95; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1494–088 Oklahoma]

Grand River Dam Authority; Availability of Environmental Assessment

January 30, 1995.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) reviewed the application for non-project use of project lands for the Pensacola Hydroelectric Project. The application proposes to excavate an area approximately 174 feet wide, 500 feet long, and 10 feet deep and to construct a breakwater 10 feet wide (to the approximate elevation of 746 feet mean sea level) on Grand Lake O' The Cherokees, in Delaware County, Oklahoma. The staff prepared an Environmental Assessment (EA) for the action. In the EA, staff concludes that approval of the non-project use of project lands would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, Room 3308, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 95–2662 Filed 2–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2114–032 Washington]

Public Utility District No. 2 of Grant County; Availability of Environmental Assessment

January 30, 1995.

In accordance with the National Environmental Policy Act of 169 and the Federal Energy Regulatory Commission's regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47910), the Office of Hydropower Licensing (OHL) reviewed the proposal for constructing a prototype fish surface collector at the Priest Rapids Project in Grant County, Washington. The Commission prepared an environmental assessment (EA) for the proposed action. In the EA, the Commission concludes that approval of construction of the proposed prototype fish surface collector will not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, Room 3308, of the Commission's offices at 941 North Capitol Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 95–2663 Filed 2–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP94–19–000]

Oklahoma Corporation Commission Tight Formation Area Determination FERC No. JD94–01286T (Oklahoma-57); Preliminary Finding

January 30, 1995.

On November 26, 1993, the Oklahoma Corporation Commission (Oklahoma) determined that the Fanshawe Formation, underlying parts of Latimer County, Oklahoma, qualifies as a tight formation under Section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA). ARCO Oil and Gas Company (ARCO) is the applicant before Oklahoma.

By letter dated January 10, 1994, staff tolled the Commission's 45-day review period and requested additional support for Oklahoma's conclusion that the Fanshawe Formation meets the Commission's tight formation guidelines in § 271.703(c)(2) of the Commission's regulations.[1] Staff requested additional information because the record did not show whether the premeability and prestimulation stabilized flow rates on which the determination was based reflected initial characteristics or characteristics resulting from years of sustained production.

The Commission has received no response to the January 10, 1994 tolling letter. Without additional information showing that the determination is based on initial permeability and prestimulation stabilized flow rates characteristics, we are unable to find that Oklahoma's determination is supported by substantial evidence. Under § 275.202(a) of the regulations, the Commission's may make a preliminary finding, before any determination becomes final, that the determination is not supported by substantial evidence in the record.[2] Therefore, the Commission hereby makes a preliminary finding that Oklahoma's determination is not supported by substantial evidence in the

[1] Section 271.703(c)(2) requires a jurisdictional agency's tight formation area determination to show that: (1) The estimated average *in situ* gas permeability, throughout the pay section, is expected to be 0.1 millidarcy or less; (2) the average pre-stimulation stabilized natural gas flow rate (against atmospheric pressure) of wells completed for production in the formation does not exceed the applicable maximum allowable flow rate; and (3) wells in the recommended area is expected to produce, without stimulation, more than 5 barrels of crude oil per day.

[2] Order No. 567, issued on July 28, 1994, rescinded Part 275 of the Commission's NGPA's regulations as of that date (68 FERC ¶ 61,135). The Commission stated, however, that rescission of Part 275 is prospective only and that timely filed applications for well determination proceedings still pending before the Commission will continue to be subject to the requirements of Part 275 as it existed before July 28, 1994.