

Revise draft sections for NIC's approval (awardee)  
 Submit draft of entire document to NIC for review (awardee)  
 Revise document for NIC's approval (awardee)  
 Submit document to editor hired by awardee for first content edit (awardee)  
 Submit document to NIC in hard copy and on disk in Microsoft Word format (awardee)

Throughout the project period, the awardee should make provisions for meetings with NIC staff—to be held in Longmont, Colorado—at critical planning and review points in document development.

**Authority:** Public Law 93-415.

**Funds Available:** The award will be limited to \$60,000 (direct and indirect costs) and project activity must be completed within twelve months of the date of award. Funds may not be used for construction, or to acquire or build real property. This project will be a collaborative venture with the NIC Jails Division.

#### Application Procedures

Applications must be submitted in six copies to the Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534. At least one copy of the application must have the applicant's original signature in blue ink. A cover letter must identify the responsible audit agency for the applicant's financial accounts.

Applications must be submitted using OMB Standard Form 424, Federal Assistance and attachments. The applications should be concisely written, typed double-spaced, and referenced to the project by the number and title given in this cooperative agreement announcement.

The narrative portion of this grant application should include, at a minimum:

A brief paragraph that indicates the applicant's understanding of the purpose of the document and the issues to be addressed;

A brief paragraph that summarizes the project goals and objectives;

A clear description of the methodology that will be used to complete the project and achieve its goals;

A statement or chart of measurable project milestones and time lines for the completion of each;

A description of the staffing plan for the project, including the role of each project staff, the time commitment for each, the relationship among the staff (who reports to whom), and an

indication that all required staff will be available;

A description of the qualifications of the applicant organization and each project staff;

A budget that details all costs for the project, shows consideration for all contingencies for this project, and notes a commitment to work within the budget proposed (budget should be divided into object class categories as shown on application Standard Form 424A).

Documentation of the principals' and associates' relevant knowledge, skills, and abilities to carry out the described tasks must be included in the application.

**Deadline for Receipt of Applications:** Applications must be received by 4 p.m. Eastern Time on Tuesday, April 16, 2002. They should be addressed to Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534. The NIC application number should be written on the outside of the mail or courier envelope. Applicants are encouraged to use Federal Express, UPS, or similar service to ensure delivery by the due date as mail at the National Institute of Corrections is still being delayed due to recent events. Hand delivered applications should be brought to 500 First Street, NW., Washington, DC 20534. The front desk will call (202) 307-3106 for pickup. Faxed or emailed applications will not be accepted.

**ADDRESSES AND FURTHER INFORMATION:** A copy of this announcement and the application forms may be obtained through the NIC Web site: <http://www.nicic.org>. (click on "Cooperative Agreements"). Requests for a hard copy of this announcement and the application forms should be directed to Judy Evens, Cooperative Agreement Control Office, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534 or by calling 800-995-6423, ext. 44222, 202-307-3106, ext. 44222, or e-mail: [jevens@bop.gov](mailto:jevens@bop.gov). All technical and/or programmatic questions concerning this announcement should be directed to Alan Richardson at 1960 Industrial Circle, Longmont, CO 80501, or by calling 800-995-6429, ext. 143 or 303-682-0382, ext. 143, or by e-mail: [alrichardson@bop.gov](mailto:alrichardson@bop.gov).

**Eligibility of Applicants:** An eligible applicant is any state or general unit of local government, public or private agency, educational institution, organization, team, or individual with the requisite skills to successfully meet the outcome objectives of the project.

**Review Considerations:** Applications received under this announcement will

be subjected to a NIC three to five member Peer Review Process. Among the criteria used to evaluate the applications are:

Indication of a clear understanding of the project requirements;

Background, experience, and expertise of the proposed project staff, including any subcontractors;

Effectiveness of the creative approach to the project;

Clear, concise description of all elements and tasks of the project, with sufficient and realistic time frames necessary to complete the tasks;

Technical soundness of project design and methodology;

Financial and administrative integrity of the proposal, including adherence to federal financial guidelines and processes;

Sufficiently detailed budget that shows consideration of all contingencies for this project and commitment to work within the budget proposed; Indication of availability to meet with NIC staff at key points in document development.

**Number of Awards:** One (1).

**NIC Application Number:** 02J18. This number should appear in your cover letter, in box 11 of Standard Form 424, and on the outside of the envelope in which the application is sent.

#### Executive Order 12372

This project is not subject to the provisions of Executive Order 12372.

Catalog of Federal Domestic Assistance Number: 16.601.

Dated: February 27, 2002.

**Morris L. Thigpen,**

*Director, National Institute of Corrections.*

[FR Doc. 02-5076 Filed 3-1-02; 8:45 am]

**BILLING CODE 4410-36-M**

## DEPARTMENT OF JUSTICE

### National Institute of Corrections

#### Advisory Board Meeting

**Time and Date:** 8:30 a.m. to 5 p.m. on Monday, March 4, 2002 & 8:30 a.m. to 12 noon on Tuesday, March 5, 2002.

**Place:** Portland Marriott Downtown, 1401 S.W. Naito Parkway, Portland, Oregon 97201.

**Status:** Open.

**Matters to be Considered:** Presentations on an initiative addressing transition from prison to community, including the Oregon Model and the Multnomah County Data Warehouse Project; election of new officers; division reports on FY 2003 Service Plan and FY 2004 budget recommendations; and update on Interstate Compact activities.

**CONTACT PERSON FOR MORE INFORMATION:** Larry Solomon, Deputy Director, 202-307-3106, ext. 44254.

**Morris L. Thigpen,**  
Director.

[FR Doc. 02-5015 Filed 3-1-02; 8:45 am]

**BILLING CODE 4410-36-M**

## MERIT SYSTEMS PROTECTION BOARD

### Opportunity to File Amicus Briefs in *Charles F. Thomson v. Department of Transportation*, MSPB Docket No. AT-0752-01-0566-I-1

**AGENCY:** Merit Systems Protection Board.

**ACTION:** The Merit Systems Protection Board is providing interested parties with an opportunity to submit amicus briefs on whether the Board has appellate jurisdiction to review a final agency decision on an adverse action where the actual effective date of the action (here, the date when the employee would no longer be employed by the agency) has been stayed to allow exhaustion of administrative appeals (such as an appeal to the Board) pursuant to a collective bargaining agreement.

#### SUMMARY:

##### Background

The appellant in *Thomson v. Department of Transportation*, MSPB Docket No. AT-0752-01-0566-I-1, received a letter on April 18, 2001, from the manager of the facility where he was employed removing him from his Air Traffic Control Specialist position for misconduct effective April 27, 2001. In the notice of removal, the agency informed the appellant that he could grieve the removal through the negotiated grievance procedure or appeal the matter to the Board. Citing the collective bargaining agreement between the agency and the National Air Traffic Controllers Association, an Association representative requested that the appellant be allowed to exhaust his appeal rights before the removal became effective. The relevant collective bargaining agreement provision states that the agency may allow an employee "subject to removal or a suspension of more than fourteen (14) days the opportunity to exhaust all appeal rights available under this Agreement before the suspension or removal becomes effective." Statutory appeal rights to the Board are available under the agreement. In a May 7, 2001 letter, the deciding official in the appellant's

removal approved the Association's request and stayed the appellant's removal. It is undisputed that the appellant remains in a pay and duty status.

Through his representative, the appellant filed an appeal of his removal. After allowing for argument from the parties, the administrative judge dismissed the appeal for lack of jurisdiction, reasoning that the appellant's removal had not been effected. The appellant has filed a petition for review arguing that the Board has jurisdiction over his appeal. The agency has responded in opposition to the petition.

#### Question To Be Resolved

This appeal raises the question of whether the Board has appellate jurisdiction to review an otherwise appealable action which has been subject to a final agency decision which, however, has been stayed pursuant to the terms of a collective bargaining agreement that allows the employee to exhaust administrative appeals, such as an appeal to the Board, before the adverse action becomes effective.

#### Issues To Be Considered In Resolving The Question Posed

Title 5 of the United States Code, section 1204(h), states that "[t]he Board shall not issue advisory opinions," and title 5 of the United States Code, section 7513(d) provides that "an employee against whom an action is taken under this section is entitled to appeal to the Merit Systems Protection Board under section 7701 of this title." (Emphasis supplied.) These statutes raise the question of whether an adverse action "is taken" when a final decision is made or when the action actually is effectuated (for example, the date when the employee no longer is employed by the agency), and whether a Board decision on a final, but not yet effectuated, adverse action constitutes a prohibited advisory opinion.

Also relevant to the question raised in this appeal is the decision of the United States Court of Appeals for the District of Columbia Circuit in *National Treasury Employees Union v. Federal Labor Relations Authority*, 712 F.2d 669 (D.C. Cir. 1983). While the Board is not bound by decisions of the District of Columbia Circuit Court, the Board can look to such decisions for guidance. In *National Treasury Employees Union*, the court found that the Federal Labor Relations Authority erroneously reasoned in a negotiability decision that the Board lacked jurisdiction over an adverse action where the execution of the adverse action had been delayed

under the terms of a collective bargaining agreement. The court concluded that the Customs Bureau was required to negotiate over a collective bargaining agreement provision similar to the one at issue here because the Board had jurisdiction over final, but not yet effected, actions.

Finally, the Board advises interested parties about the practice of the U.S. Postal Service where, pursuant to a collective bargaining agreement, the agency places employees in a non-pay, non-duty status after a removal action, even though the individual remains on the agency's rolls. The Board has considered this practice of placing employees in a non-pay, non-duty status, while still on the agency's rolls, and has held that it may exercise jurisdiction over such adverse actions by the Postal Service. See *Benjamin v. U.S. Postal Service*, 29 M.S.P.R. 555, 556-57 (1986); see also *Anderson v. U.S. Postal Service*, 67 M.S.P.R. 455, 457 (1995). Whether there is a distinction between allowing an employee to exhaust administrative appeals before the adverse action actually is effectuated and the practice of the U.S. Postal Service is one of the issues the Board will consider in addressing the question posed above.

**DATE:** All briefs in response to this notice shall be filed with the Clerk of the Board on or before March 22, 2002.

**ADDRESSES:** All briefs shall include the case name and docket number noted above (*Thomson v. Department of Transportation*, MSPB Docket No. AT-0752-01-0566-I-1) and be entitled "Amicus Brief." Briefs should be filed with the Office of the Clerk, Merit Systems Protection Board, 1615 M St., N.W., Washington, DC 20419. Because of possible mail delays caused by the closure of the Brentwood Mail facility, respondents are encouraged to file by facsimile transmittal at (202) 653-7130.

**FOR FURTHER INFORMATION CONTACT:** Shannon McCarthy, Deputy Clerk of the Board, or Matthew Shannon, Counsel to the Clerk, at (202) 653-7200.

Dated: February 26, 2002.

**Robert E. Taylor,**  
Clerk of the Board.

[FR Doc. 02-4974 Filed 3-1-02; 8:45 am]

**BILLING CODE 7400-01-P**

## NATIONAL INSTITUTE FOR LITERACY

### Notice of Meeting

**AGENCY:** National Institute for Literacy (NIFL).

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a