

Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address [Karen\\_F.\\_Lee@omb.eop.gov](mailto:Karen_F._Lee@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 17, 2003.

**Angela C. Arrington,**  
Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of the Under Secretary

Type of Review: New.

Title: National Evaluation of the Voluntary Public School Choice (VPSC) Program.

Frequency: Annually.

Affected Public: Federal Government, State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 966.

Burden Hours: 491.

Abstract: Based on evaluation questions in the authorizing legislation, this evaluation will document implementation of the Voluntary Public School Choice program and establish baseline data on student achievement. The purpose is to provide information that helps determine whether to modify

or extend the VPSC concepts; identify promising practices and lessons learned; and provide insights about public school choice.

Requests for copies of the submission for OMB review; comment request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2263. When you access the information collection, click on "Download Attachments " to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202-4651 or to the e-mail address [vivan.reese@ed.gov](mailto:vivan.reese@ed.gov). Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address [Sheila.Carey@ed.gov](mailto:Sheila.Carey@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 03-15652 Filed 6-19-03; 8:45 am]

BILLING CODE 4000-01-P

**DEPARTMENT OF EDUCATION**

[CFDA No. 84.132A-3]

**Centers for Independent Living; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2003**

**PURPOSE OF PROGRAM:** This program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of the Rehabilitation Act of 1973, as amended (Act), consistent with the State plan for establishing a statewide network of centers.

**ELIGIBLE APPLICANTS:** To be eligible to apply, an applicant must—

- (a) Be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency;
- (b) Have the power and authority to—
  - (1) Carry out the purpose of part C of title VII of the Act and perform the functions listed in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366 within a community located within that State or in a bordering State; and

- (2) Receive and administer—
  - (i) Funds under part 366;
  - (ii) Funds and contributions from private or public sources that may be used in support of a center; and
  - (iii) Funds from other public and private programs;
- (c) Be able to plan, conduct, administer, and evaluate a center consistent with the standards and assurances in section 725(b) and (c) of the Act and subparts F and G of part 366;

- (d) Either—
  - (1) Not currently be receiving funds under part C of chapter 1 of title VII of the Act; or
  - (2) Propose the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) at a different geographical location;

(e) Propose to serve one or more of the geographic areas that are identified as unserved or underserved by the States and territories listed under ESTIMATED NUMBER OF AWARDS; and

(f) Submit appropriate documentation demonstrating that the establishment of a new center is consistent with the design for establishing a statewide network of centers in the State or territory whose geographic area or areas the applicant proposes to serve.

Applications Available: June 20, 2003.

Deadline for Transmittal of Applications: July 21, 2003.

Deadline for Intergovernmental Review: September 19, 2003.

Estimated Available Funds:

\$1,871,862.

Estimated Range of Awards: \$8,376—

\$250,000.

Estimated Average Size of Awards:

\$103,992.

Estimated Number of Awards: 18,

distributed in the following manner:

States and territories	Estimated available funds	Estimated number of awards
Alabama .....	\$75,914	1
American Samoa ..	154,046	1
Florida .....	151,000	1
Georgia .....	374,874	3
Illinois .....	126,822	1
Indiana .....	42,980	1
Kansas .....	59,296	1
Mississippi .....	59,296	1
New Mexico .....	53,906	1
North Carolina .....	160,418	1
Pennsylvania .....	202,152	1
South Dakota .....	59,296	1
Texas .....	250,000	1
Utah .....	17,883	2
Virginia .....	83,979	1

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86. (b) The regulations for this program in 34 CFR parts 364 and 366.

*Selection Criteria:* In evaluating an application for a new grant under this competition, we use the selection criteria in 34 CFR 366.27. The selection criteria to be used for this competition will be provided in the application package for this competition.

*Application Procedures:*

**Note:** Some of the procedures in these instructions for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

### Pilot Project for Electronic Submission of Applications

In FY 2003, the U.S. Department of Education is continuing to expand its pilot project for electronic submission of applications to include additional formula grant programs and additional discretionary grant competitions. The Centers for Independent Living program—CFDA 84.132A-3 is one of the programs included in the pilot project. If you are an applicant under the Centers for Independent Living program, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-Application) portion of the Grant Administration and Payment System (GAPS). Users of e-Application will be entering data on-line while completing their applications. You may not e-mail a soft copy of a grant application to us. If you participate in this voluntary pilot project by submitting an application electronically, the data you enter on-line will be saved into a database. We request your participation in e-Application. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in e-Application, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value because you submit a grant

application in electronic format, nor will we penalize you if you submit an application in paper format. When you enter the e-Application system, you will find information about its hours of operation.

- You may submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- After you electronically submit your application, you will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

- Within three working days after submitting your electronic application, fax a signed copy of the Application for Federal Education Assistance (ED 424) to the Application Control Center after following these steps:

- (1) Print ED 424 from the e-Application system.

- (2) The institution's Authorizing Representative must sign this form.

- (3) Place the PR/Award number in the upper right hand corner of the hard copy signature page of the ED 424.

- (4) Fax the signed ED 424 to the Application Control Center at (202) 260-1349.

- We may request that you give us original signatures on all other forms at a later date.

- *Closing Date Extension in Case of System Unavailability:* If you elect to participate in the e-Application pilot for the Centers for Independent Living program and you are prevented from submitting your application on the closing date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. For us to grant this extension—

- (1) You must be a registered user of e-Application, and have initiated an e-Application for this competition; and

- (2)(a) The e-Application system must be unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the deadline date; or

- (b) The e-Application system must be unavailable for any period of time during the last hour of operation (that is, for any period of time between 3:30 and 4:30 p.m., Washington, DC time) on the deadline date. The Department must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension you must contact either (1) the person listed

elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** or (2) the e-GRANTS help desk at 1-888-336-8930.

You may access the electronic grant application for the Centers for Independent Living program at: <http://e-grants.ed.gov>.

We have included additional information about the e-Application pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

*For applications contact:* Education Publications Center (ED Pubs), PO Box 1398, Jessup, MD 20794-1398. Telephone (toll free): 1-877-433-7827. Fax: (301) 470-1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1-877-576-7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html>. Or you may contact ED Pubs at its e-mail address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.132A-3.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U. S. Department of Education, 400 Maryland Avenue, SW., room 3317, Switzer Building, Washington, DC 20202-2550. Telephone: (202) 205-8207. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

**FOR FURTHER INFORMATION CONTACT:** James Billy, U.S. Department of Education, 400 Maryland Avenue, SW., room 3326, Switzer Building, Washington, DC 20202-2740. Telephone: (202) 205-9362. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of this notice in an alternative format on request to the program contact person listed in the preceding paragraph.

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Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/legislation/FedRegister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

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**Authority:** Program 29 U.S.C. 796f-1.

Dated: June 17, 2003.

**Robert H. Pasternack,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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**BILLING CODE 4000-01-P**

## 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:** The Department gives notice that on April 30, 2002, an arbitration panel rendered a decision in the matter of *Thomas T. Massa v. New York State Commission for the Blind and Visually Handicapped (Docket No. R-S/00-6)*. This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d-1(a), after the Department received a complaint filed by the petitioner, Thomas T. Massa.

**SUPPLEMENTARY INFORMATION:** Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d-2(c), 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 improper removal of complainant, Mr. Thomas T. Massa, from the Randolph-Sheppard vending facility program by the New York State Commission for the Blind and Visually Handicapped, the State licensing agency (SLA), in violation of the Act (20 U.S.C. 107 *et seq.*) and the implementing regulations in 34 CFR part 395.

A summary of the facts is as follows: Complainant was licensed by the SLA on July 28, 1995. In 1996, he was assigned to operate and manage a vending facility at the U.S. Customs House, 6 World Trade Center in New York City, New York.

On August 3, 1998, complainant alleged that he informed the SLA that he was experiencing a severe financial crisis resulting from theft of lottery tickets and from difficulties with the SLA's accounting and recordkeeping procedures. On August 28, 1998, a State lottery official notified complainant that he had an outstanding balance of \$7,558.34 and would be responsible for making weekly payments over a period of 24 months to pay off the balance.

After receiving complainant's notification of his financial status, the SLA conducted a facility review. The SLA determined that there were record keeping lapses but nothing to explain the severity of complainant's financial situation. Subsequently, on September 3, 1998, the SLA informed complainant that effective September 18, 1998, he was being removed as the manager of the U.S. Customs House vending facility and that his vending operator's license was being revoked effective October 9, 1998.

Complainant requested and received a full evidentiary hearing, which was held on December 4, 1998, March 3, 1999, and September 13, 1999. On May 30, 2000, an Administrative Law Judge (ALJ) rendered a decision affirming the SLA's termination of complainant's vending operator's license and removal from his vending facility. The SLA adopted the ALJ's decision as final agency action.

Later, complainant filed for a Federal arbitration hearing alleging that the SLA failed to provide due process to him regarding his removal from the U.S. Customs House vending facility and the revocation of his vending operator's license as provided by the Act and implementing regulations. A hearing on this matter was held on July 26, 2001.

#### Arbitration Panel Decision

The issue heard by the panel was whether the actions taken by the New York State Commission for the Blind and Visually Handicapped to terminate complainant's vending operator's license and his removal from the U.S. Customs House vending facility were in accordance with the Act, implementing regulations, and State rules and regulations.

After reviewing the record, the arbitration panel concluded that the SLA had made the decision to remove complainant at the initial steps of the

State fair hearing process. As a result, the SLA's decision to revoke complainant's vending operator's license occurred prior to the State fair hearing. In addition, the panel determined that complainant had successfully completed vending facility management training 2 years prior to the first signs of problems at his vending facility. Also, the panel found that neither the complainant nor the SLA were able to explain the cause, source, or reason for the alleged violations in complainant's recordkeeping.

Based upon the foregoing, the panel ordered the SLA, within 3 months of the panel's decision, to reinstate Mr. Massa to a vending facility or to another job available through the SLA and previously determined to be suitable by the complainant.

Concerning over \$7,500 allegedly owed to the SLA by Mr. Massa from the sale of lottery tickets, the panel ruled that had complainant continued as a vending facility manager prior to the State fair hearing, he might have been able to make weekly installment payments to the SLA. Therefore, the panel ruled that complainant should pay the SLA \$4,500, less payments already made by him, when and if he is reinstated to gainful employment.

Finally, the panel ruled that if Mr. Massa elects not to follow the remedy in the panel's decision or chooses to refuse an opportunity of employment offered to him by the SLA, then his complaint should be dismissed. However, in that event, his obligation to reimburse the SLA still remains.

One panel member dissented.

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

**FOR FURTHER INFORMATION CONTACT:** You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 3232, Mary E. Switzer Building, Washington, DC 20202-2738. Telephone: (202) 205-8536. 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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