

existing community resources to create a new range of services for federally recognized Indian tribe and tribal organization projects;

- Promote achievement of the National Education Goals one, three, five, and eight that address school readiness, student achievement, adult literacy, and parent involvement in the education of their children; and
- Assist children and adults to achieve to challenging State content standards and challenging State student performance standards.

Each project must use the grant funds to provide an intensive family-centered education program that involves parents and children, from birth through age seven, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

In accordance with section 1205 of the ESEA, each project must include ten specific program elements (listed in the application package). Those ten elements include *in part* the following activities: identifying, recruiting, and providing services to families that are the most in need of family literacy services, as indicated by a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators; providing (through collaboration with other entities when possible) high-quality, intensive instructional programs in adult basic or secondary education (or English language training), early childhood education, literacy-based parenting education training, and interactive literacy activities between parents and their children; and providing year-round services, including some instructional services in the home. For a specific description of all of the required program elements, applicants should refer to the application package.

#### Eligible Participants

Eligible participants are families with children and their parents who also meet the following conditions specified in section 1206(a) of the ESEA:

(1) The parent or parents must be eligible for participation in an adult education program under the Adult Education Act; or within the State's compulsory school attendance age range (in which case a local educational agency must provide (or ensure the availability of) the basic education component); and

(2) The child or children must be younger than eight years of age.

#### Federal and Local Funding

An Even Start Family Literacy project's funding is comprised of both a Federal portion of funds (Federal share) and a portion contributed by the eligible applicant (local project share). The local share of the project may be provided in cash or in kind and may be obtained from any source, including other Federal programs funded by the ESEA. The Federal share of the project may not exceed—

- 90 percent of the total cost of the project in the first year;
- 80 percent in the second year;
- 70 percent in the third year;
- 60 percent in the fourth year;
- 50 percent in the fifth through eight years; and
- 35 percent in any subsequent year.

The Federal share for any grantee receiving a grant for a second grant cycle may not exceed 50 percent, and for any cycle after that may not exceed 35 percent. Any grantee that wishes to reapply at the end of a project period (up to 48 months) must recomplete for funding with new applicants.

#### Indirect Costs

Even Start Family Literacy Program funds may not be used for the indirect costs of a project. Recipients of an Even Start Indian tribe and tribal organization grant may request the Secretary to waive this requirement. To obtain a waiver, however, the recipient must demonstrate to the Secretary's satisfaction that the recipient otherwise would not be able to participate in the Even Start Family Literacy Program.

#### National Evaluation

The Department is conducting a national evaluation of Even Start Family Literacy projects. Grantees are required to participate in the Department's national evaluation and to conduct a separate independent local evaluation consistent with the grantee's responsibilities under 34 CFR 75.590. Specific information about budgeting for those evaluations are contained in the application package.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the application package or further information, contact Doris Sligh, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-6132; telephone (202) 260-0999; or email [doris\\_sligh@ed.gov](mailto:doris_sligh@ed.gov).

The application package also is available on the Department's Web site at: [www.ed.gov/GrantApps/#84.258](http://www.ed.gov/GrantApps/#84.258).

Individuals who use a telecommunications device for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339. Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standards forms included in the application package.

#### Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>  
<http://www.ed.gov/news.html>

To use the PDF, you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using the 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.

The official version of this document is the document published in the **Federal Register**. Free Internet access to the official education of the **Federal Register** and Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>.

**Program Authority:** 20 U.S.C. 6362(c).

Dated: May 9, 2000.

**Michael Cohen,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 00-12162 Filed 5-11-00; 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 March 31, 1999, an arbitration panel rendered a decision in the matter of *West Virginia Department of Education and the Arts, Division of Rehabilitation Services v. U.S. Department of Labor, Mine Safety and Health Administration (Docket No. R-S/97-14)*. 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 West Virginia Department of Education and the Arts, Division 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 alternate 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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To use the PDF you must have the Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using the 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.

**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 U.S. Department of Labor in the termination of the contract of the West Virginia Department of Education and the Arts, Division of Rehabilitation Services, the State licensing agency (SLA), to operate a facility at the National Mine Health and Safety Academy in Beckley, West Virginia. A summary of the facts is as follows: On July 13, 1997, Mr. David Naylor, Director of the West Virginia

Society for the Blind (Society), received a letter dated July 2, 1997, from Mr. William Och, the Contracting Officer for the National Mine Health and Safety Academy in Beckley. In the letter, which was entitled "Notice of Partial Termination of Contract Number J2566023 for Food Service at the National Mine Health and Safety Academy, Beaver, WV," Mr. Och was informed that a substantial part of the Society's food service would be terminated effective July 7, 1997, for the remainder of the Federal fiscal year. The reason given for the termination was simply "the Government's convenience."

The SLA alleged that the contract was terminated with less than 1 business day's notice since the Fourth of July holiday in that year fell on Friday. The SLA further alleged that the actions taken by the U.S. Department of Labor, Mine Safety and Health Administration, in terminating the SLA's contract, violated the substantive and procedural provisions of the Act and implementing regulations.

The SLA filed a request for Federal arbitration dated July 15, 1997, which was received by the Department on July 24, 1997. While the complaint was under review by the Department, the parties were encouraged to meet and discuss the issues in an effort to reach an amicable settlement.

To that end, the parties successfully negotiated a resolution concerning two of the three issues in the SLA's original complaint. The two issues settled were: (1) That the SLA through its agent, the West Virginia Society for the Blind, and the Mine Safety and Health Administration would negotiate and enter into a contract providing for the operation of the cafeteria and vending facilities at the Academy. The contract would begin on or before November 1, 1997. The contract would provide for a term of 120 days with ongoing options for renewal on a 30-day basis. (2) For the duration of the previously-named contract, the Mine Safety and Health Administration would permit no other entity to provide food or vending services at the Academy unless the right to furnish those food or vending services would be first offered to the West Virginia Society for the Blind. If the Society was unable to provide those services, it would advise the Mine Safety and Health Administration.

The SLA filed a request to proceed with arbitration on the remaining issue in the complaint. A Federal arbitration hearing on this matter was held on September 18, 1998.

#### **Arbitration Panel Decision**

The central issue before the arbitration panel was whether the Mine Safety and Health Administration may seek bids for the operation of the food and vending facilities contract at the National Mine Health and Safety Academy while a contractor is already in place pursuant to the provisions of the Act (20 U.S.C. 107 *et seq.*) and the implementing regulations (34 CFR part 395).

The majority of the panel ruled that the sole purpose of the Act is to benefit blind persons through employment as entrepreneurs on all Federal property. Additionally, it is a requirement of the Act that a priority be given to blind vending facilities on all Federal property, and it is the obligation of every Federal department, agency, and instrumentality to ensure that one or more vending facilities is established on all Federal property.

In its complaint, the SLA argued that the Mine Safety and Health Administration, the respondent, was prohibited from seeking bids because of the priority provisions of the Act. Conversely, the Mine Safety and Health Administration responded that the Act and implementing regulations do not expressly prohibit it from soliciting bids.

After review of all evidence and arguments, the majority of the panel ruled that the Mine Safety and Health Administration was entitled to seek bids. The panel concluded that if the SLA submitted a bid to the Mine Safety and Health Administration, then the priority provisions of the Act and regulations would apply. The panel further ruled that the priority provisions of the Act do not affect the bidding process and are only pertinent after the bidding process has been completed. Specifically, the panel found that there is no requirement in the Act that precludes the contracting agency from soliciting for the food service operation merely because a blind vendor was previously operating the facility under a contract. Consequently, the Mine Safety and Health Administration is free to seek bids as long as it ultimately gives preferential treatment to a qualified blind vendor consistent with the Act.

Additionally, the panel ruled that if the SLA demonstrates that it can provide food service at comparable cost and of comparable high quality as that available from other providers, the Act's priority provisions would apply. Therefore, this would mean that at the end of the contract period with the SLA, if the SLA submits a new contract proposal that is within the competitive

range, the SLA is entitled to the contract. Further, the Mine Safety and Health Administration may negotiate directly with the SLA without opening the competitive bidding process.

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.

Dated: May 8, 2000.

**Judith E. Heumann,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 00-11914 Filed 5-11-00; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Secretary of Energy Advisory Board; Notice of Open Meeting

**AGENCY:** Department of Energy.

**SUMMARY:** This notice announces a meeting of the Secretary of Energy Advisory Board's Openness Advisory Panel. The Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), requires that agencies publish these notices in the **Federal Register** to allow for public participation.

**NAME:** Secretary of Energy Advisory Board—Openness Advisory Panel.

**DATE:** Tuesday, May 16, 2000, 9 a.m.–3:30 p.m.

**ADDRESSES:** U.S. Department of Energy, Program Review Center (Room 8E-089), Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

**Note:** Members of the public are requested to contact the Office of the Secretary of Energy Advisory Board at (202) 586-7092 in advance of the meeting (if possible), to expedite their entry to the Forrestal Building on the day of the meeting. Public participation is welcomed.

**FOR FURTHER INFORMATION CONTACT:** Richard Burrow, Deputy Director, Secretary of Energy Advisory Board (AB-1), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-7092 or (202) 586-6279 (fax).

**SUPPLEMENTARY INFORMATION:** The purpose of the Openness Advisory Panel is to provide advice to the Secretary of Energy Advisory Board regarding the status and strategic direction of the Department's classification and declassification policies and programs, and other aspects of the Department's ongoing Openness Initiative. The Panel's work will help institutionalize the Department's Openness Initiative.

### Tentative Agenda

The agenda for the May 16 meeting has not been finalized but will include detailed briefings and discussions on the history and accomplishments of DOE's Openness Initiative; the legal foundations and basis for openness; implementation status of the OAP Interim Report; and key issues and challenges in classification, declassification and records management. Members of the Public wishing to comment on issues before the Openness Advisory Panel will have an opportunity to address the Panel during the afternoon period for public comment.

#### Tentative Agenda

- 9-9:30 a.m. Opening Remarks & Introductions—Herbert Brown, Chairman Openness Advisory Panel
- 9:30-10:15 a.m. Briefing & Discussion: History and Accomplishments of DOE's Openness Initiative
- 10:15-10:30 a.m. Break
- 10:30-11:15 a.m. Briefing & Discussion: Legal Foundations and the Basis for Openness
- 11:15-12 p.m. Status Report: Implementation of OAP Interim Report Recommendations
- 12-1 p.m. Lunch Break
- 1-1:45 p.m. Briefing & Discussion: Issues and Challenges in Classification and Declassification
- 1:45-2:30 p.m. Briefing & Discussion: Issues and Challenges in Records Management
- 2:30-3:15 p.m. Working Session: Panel Organization, Scope, & Work Plans
- 3:15-3:30 p.m. Public Comment Period
- 3:30 p.m. Adjourn

This tentative agenda is subject to change. A final agenda will be available at the meeting.

### Public Participation

In keeping with procedures, members of the public are welcome to observe the business of the Openness Advisory Panel and submit written comments or comment during the scheduled public comment periods. The Chairman of the Panel is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Washington, DC the Panel welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Panel will make every effort to hear the views of all interested parties. You may submit written comments to Betsy Mullins, Executive Director, Secretary of Energy Advisory Board, AB-1, U.S. Department of

Energy, 1000 Independence Avenue, SW., Washington, DC 20585. This notice is being published less than 15 days before the date of the meeting due to the late resolution of programmatic issues.

### Minutes

A copy of the minutes and a transcript of the meeting will be made available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E-190 Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays. Further information on the Secretary of Energy Advisory Board and its subcommittees may be found at the Board's web site, located at <http://www.hr.doe.gov/seab>.

Issued at Washington, DC, on May 9, 2000.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 00-12114 Filed 5-11-00; 8:45 am]

**BILLING CODE 6450-01-U**

## DEPARTMENT OF ENERGY

### Secretary of Energy Advisory Board; Notice of Open Meeting

**AGENCY:** Department of Energy.

**SUMMARY:** This notice announces a meeting of the Secretary of Energy Advisory Board's National Ignition Facility Laser System Task Force. The Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), requires that agencies publish these notices in the **Federal Register** to allow for public participation.

**NAME:** Secretary of Energy Advisory Board—National Ignition Facility Laser System Task Force.

**DATES:** Wednesday, May 17, 2000, 8:30 am-3 pm.

**ADDRESSES:** Lawrence Livermore National Laboratory (LLNL), Conference Room A, Building 123, 7000 East Avenue, Livermore, California 94551-0808.

**Note:** For their convenience, members of the public who plan to attend this open meeting are requested to contact Ms. Kathleen Moody of the LLNL Protocol Office in advance of the meeting in order to facilitate access to the meeting site. Ms. Moody may be reached at (925) 423-5948 or via e-mail at [moody2@llnl.gov](mailto:moody2@llnl.gov).

**FOR FURTHER INFORMATION CONTACT:** Betsy Mullins, Executive Director, or Richard Burrow, Deputy Director, Secretary of Energy Advisory Board (AB-1), U.S. Department of Energy,