

Subsequently, in an effort to keep the blind vendor in business at the Grand Coulee Dam, the SLA relocated the vendor to a trailer in the visitors' parking lot. The SLA rented and then later purchased a trailer to carry out the activities of the vendor formerly housed at the visitors' arrival center. The results were less than satisfactory from the perspective of the vendor and the SLA. However, DOI further required that, at the end of each tourist season, the SLA remove from the Dam site the vendor's trailer and inventory.

This requirement posed a considerable expense to the SLA. Consequently, the SLA attempted to renegotiate its permit with DOI, requesting reinstatement of its right to operate the facility in its former space at the visitors' arrival center. Alternatively, the SLA requested that DOI pay for the costs of the lease termination and the cost of relocating the vending facility. These expenses included the trailer rental, purchase of a trailer, and related expenses arising from the removal and storage of the trailer during the off season when the visitors' facilities were closed (Labor Day to the following Memorial Day).

Negotiations did not produce a resolution of the dispute, and on April 12, 1991 the Attorney General for the State of Washington on behalf of the SLA requested the Secretary of the U.S. Department of Education to convene an arbitration panel to hear this complaint. The panel was convened on March 16, 1994.

Arbitration Panel Decision

The arbitration panel at the outset of the hearing heard DOI motions challenging the authority of the arbitration panel to hear this dispute, to consider the assessment of monetary damages, or otherwise to carry out the congressional mandate under the Act and its implementing regulations, contending that DOI regulations in 43 CFR Part 13 were controlling.

The panel denied DOI's motions concerning the arbitration panel's jurisdiction to hear the complaint and assess damages on the grounds that the 1974 Randolph-Sheppard Act, as amended by Congress, specifically delegated to the Secretary of the U.S. Department of Education the exclusive authority to establish uniform rules and regulations to implement the Act. The panel further ruled that this mandate renders the regulations of any other Department or Federal instrumentality that are in conflict or at odds with those of the Department of Education invalid and unenforceable.

During the arbitration hearing, DOI also advanced the argument that the Act does not apply to this dispute because the visitors' arrival center is less than 15,000 square feet and has fewer than 100 Federal employees working in the building. However, the panel ruled that it is clear from the 1974 amendments to the Act that Congress expanded the definition of areas to which the Act applied to all Federal facilities. The square footage and number of Federal employees referred to in the regulations are relevant only if, unlike this case, the parties failed to agree on the feasibility of operating a blind vendor's facility on the property.

While it is true that the visitors' arrival center is less than 8000 square feet and has fewer than 20 Federal employees who work in the center, what makes this vending operation a success is the more than 1,500,000 visitors a year who come to the Grand Coulee recreational area. Moreover, the panel reasoned that the events surrounding the establishment of this vending facility made it very clear that all parties understood that this vending location was a Randolph-Sheppard facility and that, when DOI negotiated the permit, it did not raise objections to the SLA that the visitors' arrival center at the Grand Coulee Dam was not an appropriate location because it lacked the 15,000 square feet or employed fewer than 100 Federal employees. DOI waived its right to object under the terms of the regulations when it agreed with the SLA to establish the vending location pursuant to 34 CFR 395.31 (d) and (e).

The panel further ruled that the 1982 Memorandum of Agreement signed by DOI and the SLA in its introductory paragraph clearly recognizes that the Grand Coulee Dam location is a Randolph-Sheppard facility and, therefore, is governed by the Act and its implementing regulations. However, contrary to DOI's claim, the hearing records indicate that DOI has refused to grant the SLA a permit with an indefinite time period pursuant to the Act (20 U.S.C. 107(b)) and the regulations (34 CFR 395.7(b)), notwithstanding the fact that the SLA has repeatedly requested a permit to be signed in accordance with the Act and the regulations.

Consequently, the panel ruled that to uphold the terms of the 1982 Memorandum of Agreement regarding its duration and the right of DOI to unilaterally terminate the blind vendor's operation at the visitors' arrival center and impose upon the SLA the costs and losses of relocation would be in direct violation of the congressional mandate, the Randolph-Sheppard Act, and the

implementing regulations. The fact that DOI signed an agreement with the National Park Service and the Colville and Spokane Indian tribes in 1990 to provide information about the area and the culture does not supplant its obligations to the SLA and the blind vendor under the Act.

The panel award directed DOI to enter into a permit agreement with the SLA in accordance with the Act and the regulations and to reinstate the blind vendor in the space formerly occupied or negotiate an alternative comparable space at the visitors' arrival center. DOI was ordered to pay all costs and expenses incurred by the SLA as the result of the vendor's removal from the visitors' arrival center. These expenses included, but were not limited to, the costs of the trailer rental, the storage and movement of the trailer and inventory, and any other expenses incurred as the result of the removal of the blind vendor. The panel decision stated that, in the event the SLA agrees to an alternative location for the vendor, the location shall in all particulars be equal in opportunities and amenities to the visitors' arrival center and shall be provided entirely at the expense of DOI unless otherwise agreed upon by the SLA. Further, the panel decision directed the DOI to require that the National Park Service and the Colville and Spokane Indian tribes cease and desist selling any goods in competition with the blind vendor, after consultation with the SLA.

One panel member dissented.

The panel retained jurisdiction over this award with respect to the remedial portions.

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

Dated: February 1, 1996.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 96-2534 Filed 2-6-96; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Energy Research

Energy Research Financial Assistance Program Notice 96-08: Human Genome Program; Technological Advances

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Office of Energy Research (ER), U.S. Department of Energy, hereby announces its interest in receiving grant applications in support of the DOE Human Genome Program (HGP). This program is a coordinated, multidisciplinary, goal-oriented research effort to obtain a detailed understanding of the human genome at the molecular level. The objective of this notice is to promote substantive improvements in high-throughput, integrated approaches to large-scale human genome sequencing and its analysis. The solicited topics are: (1) Supportive instrumentation and automation systems; (2) assembly of multi-megabase scale, ordered and sequence-ready DNA clones; (3) informatics for the rapid assembly, analysis, and annotation of data from high-throughput sequencing; and (4) informatics for facile submission, retrieval, and visualization of data for single or multiple related databases, specifically including the Genome Data Base and the Genome Sequence Data Base. Applicants must address clearly how the proposed work will help achieve the sequencing goals of the HGP. Collaborative, multidisciplinary efforts are specifically encouraged.

DATES: Potential applicants are strongly encouraged to submit a brief preapplication. All preapplications, referencing Program Notice 96-08, should be received by DOE by 4:30 p.m. E.S.T., March 28, 1996. A response discussing the potential program relevance of a formal application generally will be communicated to the applicant within 30 days of receipt. The deadline for receipt of formal applications submitted in response to this notice must be received by 4:30 p.m., E.D.T., July 11, 1996, in order to be accepted for merit review in September 1996 and to permit timely consideration for awards in fiscal year 1997.

ADDRESSES: All preapplications, referencing Program Notice 96-08, should be sent to Ms. Joanne Corcoran, U.S. Department of Energy, Office of Health and Environmental Research, ER-72, 19901 Germantown Road, Germantown, MD 20874-1290.

After receiving notification from DOE concerning successful preapplications, applicants may prepare formal applications and send them to: U.S. Department of Energy, Office of Energy Research, Grants and Contracts Division, ER-64, 19901 Germantown Road, Germantown, MD 20874-1290, ATTN: Program Notice 96-08. The

above address for formal applications also must be used when submitting formal applications by U.S. Postal Service Express Mail, any commercial mail delivery service, or when handcarried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Gerald Goldstein, if referencing topic (1); Dr. Marvin Stodolsky, if referencing topic (2); and Dr. Jay Snoddy, if referencing topics (3) or (4) at the U.S. Department of Energy, Office of Health and Environmental Research, ER-72, 19901 Germantown Road, Germantown, MD 20874-1290, by telephone (301) 903-6488, by facsimile (301) 903-8521, or preferably by E-mail, joanne.corcoran@oer.doe.gov. General HGP information can also be obtained on the World Wide Web (WWW) Internet browsers at: http://www.er.doe.gov/production/oher/hug_top.html, http://www.ornl.gov/techresources/human_genome/home.html, and sites linked to these WWW pages. The 5-year goals of the U.S. HGP are published in the journal, *Science*, volume 262, pages 43-46.

SUPPLEMENTARY INFORMATION: The brief preapplication, in accordance with 10 CFR 600.10(d)(2), should consist of two to three pages of narrative describing the research objectives and methods of accomplishment. The preapplications will be reviewed for relevance to the notice, and further instructions will be provided with the response. Preapplications determined by staff of the Office of Health and Environmental Research to be insufficiently directed at the goals of this notice will be returned without further review to the applicant. Telephone and FAX numbers are required parts of the preapplication, and electronic mail addresses are desirable.

It is anticipated that approximately \$2,000,000 will be available for grant awards in this area during FY 1997, contingent upon availability of appropriated funds. Multiple year funding of grant awards is expected, and is also contingent upon availability of funds, progress of the research, and continuing program need. Projected awards will be in the range of \$50,000 per year up to \$1,000,000 per year with terms of 2 to 3 years.

Information on the development and submission of applications, eligibility, limitations, evaluation, selection process, and other policies and procedures may be found in 10 CFR Part 605, and in the Application Guide for the Office of Energy Research Financial Assistance Program. The Application Guide is available from the U.S. Department of Energy, Office of Health and Environmental Research, Health

Effects and Life Sciences Research Division, ER-72, 19901 Germantown Road, Germantown, MD 20874-1290. Telephone requests may be made by calling (301) 903-6488. Internet requests can be made to:

joanne.corcoran@oer.doe.gov. Electronic access to ER's Financial Assistance Guide is possible via the Internet using the following E-mail address: <http://www.er.doe.gov>

The Office of Energy Research, as part of its grant regulations, requires at 10 CFR 605.11(b) that a grantee funded by ER and performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules shall comply with the National Institutes of Health "Guidelines for Research Involving Recombinant DNA Molecules" (59 FR 34496, July 5, 1994) or such later revision of those guidelines as may be published in the Federal Register.

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR part 605.

Issued in Washington, DC, on January 24, 1996.

John Rodney Clark,
Associate Director for Resource Management,
Office of Energy Research.

[FR Doc. 96-2635 Filed 2-6-96; 8:45 am]

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Energy Research Financial Assistance Program Notice 96-09: Human Genome Program; Ethical, Legal, and Social Implications

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Office of Energy Research (ER), U.S. Department of Energy, hereby announces its interest in receiving applications in support of the Ethical, Legal, and Social Implications (ELSI) subprogram of the Human Genome Program (HGP). This program is a coordinated, multidisciplinary, directed research effort aimed at obtaining a detailed understanding of the human genome at the molecular level. This particular research notice encompasses research grants that address ethical, legal, and social issues that may arise from the use of information and knowledge resulting from the HGP.

DATES: Potential applicants are strongly encouraged to submit a brief preapplication. All preapplications