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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 improper denial by the North Carolina Department of Human Resources, Division of Services for the Blind (the State licensing agency (SLA)), of Mr. Donald R. Williams' request to acquire satellite vending machines at the Kinston Post Office. A summary of the facts is as follows: In September 1994, complainant Donald R. Williams, a blind vendor under the State's Randolph-Sheppard program, spoke with the SLA regarding his desire to have supplemental income in addition to managing a facility at the Caswell Center Canteen. Mr. Williams also informed the SLA that he would be looking for other sites within the city that would support a Randolph-Sheppard vending facility.

In October 1994, complainant contacted the postmaster at the Kinston Post Office concerning the possibility of establishing a Randolph-Sheppard

vending facility at that location. The site was then under contract with a private concessionaire.

In April 1996, the concession contract at the Kinston Post Office expired, and the SLA became the new contract holder on July 15, 1996. Subsequently, the SLA determined that the location would be advertised as a separate facility and would not be added as an outside vending location to the Caswell Center Canteen.

Mr. Williams requested and received a State evidentiary fair hearing on this matter on March 3, 1997. On March 26, 1997, the hearing officer affirmed the SLA's decision to advertise and award the Kinston Post Office location to another vendor. The SLA adopted the hearing officer's decision as final agency action, and it is this decision that Mr. Williams sought to have reviewed by a Federal arbitration panel. A Federal arbitration hearing on this matter was held on April 23, 1998.

Arbitration Panel Decision

The issue before the arbitration panel was whether the North Carolina Department of Human Resources, Division of Services for the Blind, was correct in awarding the Kinston Post Office location to another vendor instead of adding it to Mr. Williams' facility.

The majority of the panel concluded that the SLA is charged with providing vending facility preference to blind persons in need of employment. Specifically, by awarding the Kinston Post Office facility to the current vendor, who was unemployed, the SLA acted in fulfillment of a specific requirement of the Act in 20 U.S.C. 107(a) and implementing regulations in 34 CFR 395.7(a), which states in relevant part that "the State licensing agency shall establish in writing and maintain objective criteria for licensing qualified applicants, including a provision for giving preference to blind persons who are in need of employment. * * *"

The majority of the panel further concluded that the SLA and not the complainant has the authority to locate and negotiate facilities at new sites. The SLA also has the inherent authority to determine if the site will be offered as a separate facility and not as a satellite location.

Therefore, the majority of the panel ruled that, upon a thorough review of the documents, testimony, and arguments presented at the hearing, the SLA acted properly in awarding the Kinston Post Office facility to the current vendor.

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: June 10, 1999.

Curtis L. Richards,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99-15323 Filed 6-15-99; 8:45 am]

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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 July 31, 1998, an arbitration panel rendered a decision in the matter of *Brent Davidson v. Texas Commission for the Blind* (Docket No. R-S/97-15). 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 petitioner, Brent Davidson.

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. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

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SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard 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 suspension by the Texas Commission for the Blind, the State Licensing Agency (SLA), of Brent Davidson's vendor's license for 90 days. A summary of the facts is as follows: Complainant Brent Davidson signed an agreement to operate a vending facility located at the Texas Department of Transportation (TDOT) on October 17, 1996. The facility opened for business on October 21, 1996. Problems arose from almost the moment the facility opened. Those problems were: (1) Sales at this facility were only half the anticipated level on the first day and never improved. (2) The TDOT never enforced a coffee agreement and, therefore, complainant's facility never benefitted from the anticipated coffee revenue. (3) The complainant and the SLA disagreed about pricing, equipment, the type of food offered, the number of employees, complainant's attendance, and the hours of operation.

The SLA alleged that Mr. Davidson did not comply with the operator's agreement he signed on October 17, 1996, and the Business Enterprise Program Manual. The SLA alleged further that complainant continued to operate the vending facility in non-compliance with the operator's agreement, the manual, and the State rules and regulations governing the Texas vending facility program. In January 1997, the SLA placed Mr. Davidson on probation for a period of 90 days for violation of the operator's agreement and the manual.

Mr. Davidson requested and received a State evidentiary fair hearing on May 20, 1997. The Administrative Law Judge (ALJ) in her decision dated May 27, 1997, affirmed the SLA's decision to place Mr. Davidson's license on probationary status for 90 days. The SLA adopted the ALJ's decision as final agency action, and it is this decision that Mr. Davidson sought to have reviewed by a Federal arbitration panel. A Federal arbitration hearing of this matter was held on April 3, 1998.

Arbitration Panel Decision

The issue before the arbitration panel was whether the Texas Commission for the Blind acted properly and within the scope of its authority under the Randolph-Sheppard Act and implementing regulations in placing Brent Davidson on probation for a period of 90 days.

Because of the illness and non-attendance at the hearing of the panel member appointed by Mr. Davidson, the parties stipulated that the decision and award would be made solely by the neutral Panel Chair.

The Panel Chair concluded that the evidence presented fully supported the decision of the SLA to place Mr. Davidson on probation for 90 days. Specifically, the Panel Chair noted a letter dated January 29, 1997, sent to complainant by the director of the Texas Business Enterprise Program placing Mr. Davidson on probation for 90 days and outlining the areas of non-compliance with the operator's agreement, the manual, and the State rules and regulations. The Panel Chair further noted from the record complainant's acknowledgment of his actions as well as his receipt of the January 29th letter from the SLA and the fact that Mr. Davidson made no attempt to take corrective action.

The Panel Chair ruled that the SLA's decision to place complainant's license on a 90-day probationary status was the most lenient of any alternative available to the SLA. If Mr. Davidson had chosen to comply, the decision provided ample opportunity for complainant to correct by agreement the matters concerning non-compliance of which the SLA complained.

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

Dated: June 10, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99-15326 Filed 6-15-99; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The

Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATE: Thursday, July 1, 1999 6:00 p.m.–9:30 p.m.

ADDRESSES: College Hill Library (Front Range Community College), 3705 West 112th Avenue, Westminster, CO 80021.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420-7855; fax (303) 420-7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. The Board will approve the selection of the contractor to provide technical support services for the Community Radiation (ComRad) Program.

2. RFCAB will begin its initial discussion to refine definitions for cleanup phases end-states.

3. The Board will review and approve recommendations on the TRU Waste Environmental Assessment.

4. RFCAB will discuss and approve the process for developing its 2000 Work Plan.

5. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the