

to waive the priority under the act regarding the 15 Tucson postal vending locations. Additionally, the SLA requested that USPS clarify in writing and provide a copy of the directive regarding USPS's position that a different blind vendor must operate each of the 15 vending locations.

The Postal Service contracting officer responded to the SLA in a letter dated September 18, 2003. The contracting officer citing Postal Service Handbook EL-602 (August 1994), section 331.1 stated, "It is the Postal Service's policy that a blind vendor may not be assigned vending machines remote from the location for which the permit is issued." Therefore, USPS informed the SLA each of the 15 vending sites in Tucson for which a permit was issued must be operated by separate blind vendors working full-time and vending sites could not be combined into a single operation for a blind vendor.

On August 17, 2005, the staff of the SLA's Business Enterprise Program contacted USPS's customer relations coordinator for an update on the Mesa vending locations. The customer service coordinator responded that no action had been taken pending the outcome of the SLA's request to operate the Tucson vending locations. Subsequently, the SLA filed a request for federal arbitration with the Secretary of Education regarding this matter. A federal arbitration panel heard this case on August 23, 2007.

The central issue heard by the arbitration panel was: Whether the Act and implementing regulations provided the SLA a priority to operate and manage vending machine routes on USPS property.

#### Arbitration Panel Decision

After reviewing all of the records and hearing testimony of witnesses, the panel majority ruled that vending locations combined into a single vending route are permissible under the Act and that current USPS policies are not in compliance with either the spirit or letter of the Act. The panel determined that there was nothing in the satisfactory site provisions in 34 CFR 395.31(d) that would exempt a federal entity desiring vending services from the priority under the act. Further, the majority found that there is nothing in the Act or the Postal Service Handbook EL-602 that addresses blind vendors being at a vending site full-time. The panel also found that USPS had not sought and received approval from the Secretary of Education to impose the requirement that blind vendors be on-site at USPS vending facilities full-time and that no similar

restriction was imposed on private vending companies.

Based upon the foregoing, the majority concluded USPS's policy of requiring that each vending location have an individual permit and a separate blind vendor constituted a limitation upon the placement of a vending facility on federal property in violation of the act and implementing regulations at 34 CFR 349.31(b).

Thus, the panel majority directed USPS to immediately terminate agreements with private concessionaires providing vending services at the Mesa and Tucson postal locations and to grant a permit(s) to the SLA to operate one or more facilities pursuant to the act. The panel also indicated that USPS should have the understanding that the SLA may choose to assign multiple postal locations to a single blind vendor.

Finally, the panel majority found that USPS's conduct warranted damages in this case. However, the majority did not award damages since they were not sought by the SLA and no individual blind vendor was harmed.

One panel member dissented.

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

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Dated: September 8, 2008.

**Tracy R. Justesen,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Advisory Committee on Student Financial Assistance: Meeting

**AGENCY:** Advisory Committee on Student Financial Assistance, Education.

**ACTION:** Notice of open teleconference meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming teleconference meeting of the Advisory Committee on Student Financial Assistance. Individuals who will need accommodations for a disability in order to attend the teleconference meeting (i.e., interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Tuesday, September 23, 2008 by contacting Ms. Tracy Jones at (202) 219-2099 or via e-mail at [tracy.deanna.jones@ed.gov](mailto:tracy.deanna.jones@ed.gov). We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The teleconference site is accessible to individuals with disabilities. This notice also describes the functions of the Advisory Committee. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

**DATE AND TIME:** Monday, September 29, beginning at 1:30 p.m. and ending at approximately 2 p.m.

**ADDRESSES:** Office of the Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Room 412, Washington, DC 20202-7582.

**FOR FURTHER INFORMATION CONTACT:** Dr. William J. Goggin, Executive Director, Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC 20202-7582, (202) 219-2099.

**SUPPLEMENTARY INFORMATION:** The Advisory Committee on Student Financial Assistance is established under Section 491 of the Higher Education Act of 1965 as amended by Public Law 100-50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the congressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student assistance programs under Title IV of the Higher Education Act. In

addition, Congress expanded the Advisory Committee's mission in the Higher Education Amendments of 1998 to include several important areas: access, Title IV modernization, distance education, and early information and needs assessment. Specifically, the Advisory Committee is to review, monitor and evaluate the Department of Education's progress in these areas and report recommended improvements to Congress and the Secretary.

The Advisory Committee has scheduled this teleconference solely to conduct the election of officers.

Space for the teleconference meeting is limited and you are encouraged to register early if you plan to attend. You may register by sending an e-mail to the following addresses:

*tracy.deanna.jones@ed.gov*. Please include your name, title, affiliation, complete address (including Internet and e-mail, if available), and telephone and fax numbers. If you are unable to register electronically, you may fax your registration information to the Advisory Committee staff office at (202) 219-3032. You may also contact the Advisory Committee staff directly at (202) 219-2099. The registration deadline is Monday, September 22, 2008.

Records are kept for Advisory Committee proceedings, and are available for inspection at the Office of the Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC from the hours of 9 a.m. to 5:30 p.m. Monday through Friday, except Federal holidays. Information regarding the Advisory Committee is available on the Committee's Web site, <http://www.ed.gov/ACSFA>.

Dated: September 4, 2008.

**William J. Goggin,**

*Executive Director, Advisory Committee on Student Financial Assistance.*

[FR Doc. E8-21066 Filed 9-10-08; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### [Certification Notice—217]

#### Office Electricity Delivery and Energy Reliability; Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

**AGENCY:** Office Electricity Delivery and Energy Reliability, DOE.

**ACTION:** Notice of filing.

**SUMMARY:** On May 19, 2008, CPV Maryland, LLC, as owner and operator

of a new base load electric powerplant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to section 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. Section 201(d) of FUA requires DOE to publish a notice of receipt of self-certifications in the **Federal Register**.

**ADDRESSES:** Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE-20, Room 8G-024, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell at (202) 586-9624.

**SUPPLEMENTARY INFORMATION:** Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source.

Pursuant to FUA section 201(d), in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish a notice in the **Federal Register** reciting that the certification has been filed.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

*Owner:* CPV Maryland, LLC.

*Capacity:* 640 megawatts (MW).

*Plant Location:* Waldorf, Maryland.

*In-Service Date:* Between Summer 2011 and Summer 2012.

Issued in Washington, DC on September 3, 2008.

**Anthony J. Como,**

*Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. E8-21058 Filed 9-10-08; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13276-000]

#### Natural Currents Energy Services, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2008.

On August 11, 2008 and supplemented on August 12, 2008, Natural Currents Energy Services, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Cuttyhunk/Elizabeth Islands Tidal Energy Project, located in the Atlantic Ocean and Canapitsit Channel in Dukes County, Massachusetts. The project uses no dam or impoundment.

The proposed project would consist of: (1) 4 Tidal In-Stream Energy Conversion (TISEC) generating units, with a total installed capacity of 100-kilowatts, (2) underwater cable with a length between 250 meters to 2.5 kilometers for site 1, and up to 10 kilometers in length for site 2, and (3) appurtenant facilities. The project is estimated to have an annual generation of 350,000 kilowatt-hours, which would be sold to Cuttyhunk Island.

*Applicant Contact:* Mr. Roger Bason, Natural Currents Energy Services, LLC, 24 Roxanne Boulevard, Highland, New York 12561, phone (845) 691-4008.

*FERC Contact:* Kelly Houff (202) 502-6393.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13276) in