

Dated: May 4, 2000.

**L.M. Bynum,**

*Alternate, OSD Federal Liaison Officer,  
Department of Defense.*

[FR Doc. 00-11602 Filed 5-9-00; 8:45 am]

**BILLING CODE 5001-10-M**

## DEPARTMENT OF DEFENSE

### The Joint Staff; National Defense University (NDU), Board of Visitors (BOV); Meeting

**AGENCY:** National Defense University.

**ACTION:** Notice of meeting.

**SUMMARY:** The President, National Defense University has scheduled a meeting of the Board of Visitors.

**DATES:** The meeting will be held between 1230-1530 on June 23, 2000.

**ADDRESSES:** The meeting will be held in Room 155B, Marshall Hall, Building 62, Fort Lesley J. McNair, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:**

Director, University Operations, National Defense University Fort Lesley J. McNair, Washington, D.C. 20319-6000. To reserve space, interested persons should phone (202) 685-3937.

**SUPPLEMENTARY INFORMATION:** The agenda will include present and future educational and research plans for the National Defense University and its components. The meeting is open to the public, but the limited space available for observers will be allocated on a first come, first served basis.

Dated: May 4, 2000.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 00-11603 Filed 5-9-00; 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 March 16, 1999, and August 13, 1999, an arbitration panel rendered decisions on both merit and remedy in the matter of *James E. Waldie v. Alabama Department of Rehabilitation Services (Docket No. R-S/97-13)*. 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, James E. Waldie.

**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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**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 improper denial by the Alabama Department of Rehabilitation Services, the State licensing agency (SLA), of Mr. James E. Waldie's request to bid on a full food service vending facility at Fort McClellan, Anniston, Alabama. A summary of the facts is as follows: In April 1996, the SLA informed licensed blind vendors of an opportunity to manage a full food service vending facility at Fort McClellan, Anniston, Alabama. Twelve persons bid on the Fort McClellan vending facility including Mr. James E. Waldie. On April 23, 1996, the selection committee, which included members of the Elected Committee of Blind Vendors, met to

make the selection for the Fort McClellan vending facility. Following the selection committee's evaluation, they unanimously awarded the Fort McClellan location to another vendor. The decision to award the location to another vendor rather than complainant was based upon the successful vendor receiving the highest total number of points of any applicant, including additional points for seniority.

Mr. Waldie was informed of the SLA's decision to award the bid to another vendor for the Fort McClellan vending facility. Complainant requested that the SLA convene a full evidentiary hearing on this matter, which was held on January 2, 1997.

Following the hearing, the hearing officer affirmed the selection committee's decision to award the Fort McClellan bid to the other vendor, and the SLA adopted the hearing officer's decision as final agency action. It is this decision that complainant sought to have reviewed by a Federal arbitration panel. An arbitration panel heard this matter on November 16, 1998, concerning the merits of the case and on May 26, 1999, regarding the remedy given to Mr. Waldie.

### Arbitration Panel Decision

The issue before the arbitration panel was whether the Alabama Department of Rehabilitation Services violated the policies and procedures governing the Business Enterprise Program of Alabama during the selection of a vendor/manager for the Fort McClellan, Anniston, Alabama facility pursuant to the Act (20 U.S.C. 107 *et seq.*) and the implementing regulations (34 CFR part 395).

In ruling on the merits of the case, a majority of the panel determined that the successful bidder should have been disqualified since that vendor did not fulfill the training requirements for managing a full food service operation such as the Fort McClellan vending facility. In reaching that conclusion, the majority of the panel noted that the SLA had sponsored a special 18-week program dedicated solely to cafeteria operations and had stated that specific cafeteria training was a prerequisite for any individual to be selected for a cafeteria facility under the Business Enterprise Program.

The majority of the panel further noted that Mr. Waldie had completed this training while the successful bidder for the Fort McClellan vending facility had never taken this or similar cafeteria training. The majority of the panel concluded that, since the full food service operation at Fort McClellan was the equivalent of a cafeteria, the

successful bidder should have been disqualified for lack of training. Similarly the panel ruled that the successful bidder lacked food preparation experience and, therefore, did not meet the experience requirements for managing a full food service operation.

One panel member dissented.

In ruling on the question of remedy, a majority of the panel determined that Mr. Waldie did not prove under the facts of the case that he was entitled to damages. The panel ruled that had the successful bidder been disqualified, there was another individual with a higher score than Mr. Waldie who would have been chosen as the successful bidder for the Fort McClellan food service operation. The panel noted both the Eleventh Amendment and the Eleventh Circuit Court of Appeals decision in *Georgia Department of Human Resources v. Nash* 915 F.2d 1482 (11th Cir. 1990) barring the award of damages.

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 4, 2000.

**Judith E. Heumann,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 00-11593 Filed 5-9-00; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Idaho Operations Office; Notice of Availability of Solicitation for Awards of Financial Assistance

**AGENCY:** Idaho Operations Office, DOE.

**ACTION:** Notice of availability of solicitation—Aluminum Visions of the Future.

**SUMMARY:** The U.S. Department of Energy (DOE) Idaho Operations Office (ID) is seeking applications for cost-shared research and development of technologies which will reduce energy consumption, reduce environmental impacts and enhance economic competitiveness of the domestic aluminum industry. The research is to address research priorities identified by the aluminum industry in the Aluminum Industry Technology Roadmap and the Inert Anode Roadmap, (available at the following URL: <http://www.oit.doe.gov/aluminum/alindust.shtm>).

**DATES:** The Standard Form 424, and the technical application (20 page

maximum), must be submitted by 3:00 p.m. MST on Wednesday, July 12, 2000.

**ADDRESSES:** Applications should be submitted to: Elizabeth Dahl, Contract Specialist, Procurement Services Division, U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, Mail Stop 1221, Idaho Falls, Idaho 83401-1563.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Dahl, Contract Specialist at [dahlee@id.doe.gov](mailto:dahlee@id.doe.gov), facsimile at (208) 526-5548, or by telephone at (208) 526-7214.

**SUPPLEMENTARY INFORMATION:**

Approximately \$3,000,000 in combined fiscal year 2000 and 2001 federal funds is expected to be available to totally fund the first year of selected research efforts. DOE anticipates making four to six awards each with a duration of four years or less. This solicitation is requiring 50% cost share to ensure industrial involvement in each of the proposals and to ensure that the novel, energy efficient processes developed by this R&D program will be fully implemented by industry. There will be no waivers of this cost share requirement. Multi-partner collaborations between industry, university, and National Laboratory participants are encouraged. The issuance date of Solicitation Number DE-PS07-00ID13914 is on or about May 8, 2000. The solicitation is available in its full text via the Internet at the following address: <http://www.id.doe.gov/doeid/PSD/proc-div.html>. The statutory authority for this program is the Federal Non-Nuclear Energy Research and Development Act of 1974 (Public Law 93-577). The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 81.086.

Issued in Idaho Falls on May 3, 2000.

**R.J. Hoyles,**

*Director, Procurement Services Division.*

[FR Doc. 00-11728 Filed 5-9-00; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Idaho Operations Office, Trespassing On DOE Property: Idaho Operations Office Properties

**AGENCY:** Idaho Operations Office, Department of Energy.

**ACTION:** Notice of designation of Idaho operations office properties and facilities as off-limits areas.

**SUMMARY:** The Department of Energy (DOE) hereby amends and adds to the previously published site descriptions

of various DOE and contractor occupied buildings as Off-Limits Areas. The locations are in Idaho Falls, Idaho, and various DOE vehicle/bus parking lots, which are located in Idaho Falls, Blackfoot, Mackay, Rexburg, Rigby, Highway 20 and Shelley New Sweden Road, and Pocatello. In accordance with 10 CFR Part 860, it is a federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon these Idaho Operations Office properties and facilities. If unauthorized entry into or upon these properties is into an area enclosed by a fence, wall, floor, roof or other such standard barrier, conviction for such unauthorized entry may result in a fine of not more than \$100,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the properties is into an area not enclosed by a fence, wall, floor, roof, or other such standard barrier, conviction for such unauthorized entry may result in a fine of not more than \$5,000.

**EFFECTIVE DATE:** May 10, 2000.

**FOR FURTHER INFORMATION CONTACT:** Jo Ann Williams, Office of General Counsel, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6975, or M.M. McKnight, Office of Chief Counsel, Idaho Operations Office, 850 Energy Drive Place, Idaho Falls, Idaho 83401, (208) 526-0275.

**SUPPLEMENTARY INFORMATION:** The Department of Energy (DOE), successor agency to the Atomic Energy Commission (AEC), is authorized, pursuant to § 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), and § 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860, published in the **Federal Register** on September 14, 1993 (58 FR 47984-47985), and § 301 of the Department of Energy Organization Act (42 U.S.C. 7151), to prohibit unauthorized entry and the unauthorized introduction of weapons or dangerous materials into or upon any DOE facility, installation or real property. By notices dated August 5, 1988, (53 FR 29512), January 23, 1987 (52 FR 2580), and November 1, 1983 (48 FR 50390), DOE prohibited unauthorized entry into or upon the Idaho National Engineering Laboratory (now the Idaho National Engineering and Environmental Laboratory, or INEEL), and various DOE and contractor occupied facilities, including the Willow Creek Building and the DOE Headquarters Building. This notice includes DOE Vehicles and Bus Parking Facilities located in Idaho Falls, Arco, on Highway 20, Bonneville County,