

**SUPPLEMENTARY INFORMATION:** Under section 6(c) of the Randolph-Sheppard Act (the 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

Ms. Teresa Alcorn (Complainant) alleged violations by the Kentucky Office for the Blind (formerly, Department for the Blind), the state licensing agency (SLA), of the Act and the implementing regulations in 34 CFR part 395. Specifically, Complainant alleged that the SLA improperly administered the Randolph-Sheppard Vending Facility Program as provided by the Act and implementing regulations concerning her license termination as a vending facility manager of a vending machine route in Bowling Green, Kentucky.

Since May 1997, Complainant was a licensed vendor in the Kentucky Randolph-Sheppard Vending Facility Program managing a vending facility at the Bowling Green Technical College (Technical College). In November 2001, in addition to the Technical College facility, Complainant began managing a vending route consisting of five locations. They included: Kentucky Advanced Technology Institute, Warren County Justice Center, Warren County Courthouse, Department of Human Resources in the Sears Building, and the Federal Courthouse.

From 2002 until 2005, the SLA alleged it had received numerous complaints from building employees and management regarding Complainant's failure to satisfactorily stock the vending machines on her vending machine route resulting in molded and out-dated products being sold in the vending machines and causing customers to purchase spoiled and inedible products. Also, the SLA alleged that Complainant failed to stock some vending machines. Subsequently, on June 15, 2005, the SLA terminated Complainant's vending operator's license.

Thereafter, Complainant requested a state fair hearing. The administrative hearing was scheduled for October 24–27, 2005. However, the hearing was postponed twice in order for Complainant to retain new counsel. A state fair hearing on this matter was held on March 27, 2006. On June 28, 2006, the Hearing Office affirmed the SLA's decision to terminate Complainant's vending operator's license. On July 31, 2006, the SLA

adopted the Hearing Officer's decision as final agency action.

It was this decision Complainant sought review of by a federal arbitration panel. According to the arbitration panel, the issue to be resolved was: Whether the actions taken by the Kentucky Office for the Blind concerning Complainant's license termination were in accord with the Act, implementing regulations, and state rules and regulations.

### Arbitration Panel Decision

After reviewing all of the records and hearing testimony of witnesses, the panel majority affirmed Complainant's license termination and ruled that the SLA had established that Complainant violated the Act by not operating her vending machine route in accordance with the rules and regulations as prescribed by the SLA.

Further, the panel majority found that the Complainant was not provided a written notice by Certified Mail regarding the complaints against her, nor did Complainant have an opportunity to respond to the allegations. While holding that both of these due process errors were in violation of the SLA's own rules and regulations, the panel majority ruled that, under the facts of the case, no additional damages would be awarded to Complainant for those procedural due process errors.

Two panel members concurred with the panel majority, but dissented from the majority regarding the due process issues of notification and lack of opportunity for Complainant to respond.

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

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Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: November 18, 2008.

**Tracy R. Justesen,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. E8–27745 Filed 11–20–08; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Discretionary Grant Programs

**AGENCY:** Department of Education.

**ACTION:** Notice of final discretionary grant priorities for fiscal year 2009.

**SUMMARY:** The Secretary announces the continued use—in fiscal year (FY) 2009—of priorities that the Department of Education (Department) previously established for use in any discretionary grant program competition in FY 2007 and FY 2008. We take this action in order to continue to focus Federal financial assistance on expanding the number of programs and projects that support activities in areas of greatest educational need. We are continuing the use of these priorities on a Department-wide basis so that Department offices can use one or more of them in any discretionary grant competition, as appropriate.

**DATES:** *Effective Date:* These priorities are effective for use in FY 2009 on January 20, 2009.

**FOR FURTHER INFORMATION CONTACT:** Margo K. Anderson, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W311, Washington, DC 20202–5910. *Telephone:* (202) 205–3010 or by *e-mail:* [Margo.Anderson@ed.gov](mailto:Margo.Anderson@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

### SUPPLEMENTARY INFORMATION:

We published a notice of intent to use certain discretionary grant priorities in FY 2009 (Notice of Proposed Action) in the **Federal Register** on August 27, 2008 (73 FR 50601). In the Notice of Proposed Action, we proposed to use the priorities in the following areas, which had been established for use in FY 2007 and FY 2008 only, for discretionary grant competitions in FY 2009:

1. *Mathematics*
2. *Science*
3. *Critical-Need Languages*
4. *Secondary Schools*
5. *Professional Development for Secondary School Teachers*
6. *School Districts with Schools in Need of Improvement, Corrective Action, or Restructuring*

### 7. Student Achievement Data

#### 8. State Data Systems

Because we determined that these priorities are still relevant to the Nation's educational needs, we proposed to continue to use them for discretionary grant competitions in FY 2009.<sup>1</sup> This will allow the Department to continue to focus limited Federal resources on areas of greatest educational need in FY 2009.

There are no differences between the Notice of Proposed Action and this notice of final discretionary grant priorities for FY 2009.

*Public Comment:* In response to our invitation in the Notice of Proposed Action, one party submitted a comment.

*Comment:* One commenter generally supported the existing priorities and the Department's plan to continue their use in discretionary grant competitions in FY 2009. This commenter also recommended that the Department establish an additional priority designed to ensure access for all students to the benefits of the existing priorities.

*Discussion:* We appreciate the commenter's support for the existing Department-wide priorities and their continued use in FY 2009. We decline, however, to establish an additional priority on ensuring access for all students to the benefits of the other priorities in this notice. We do not believe it is necessary or appropriate to establish the additional priority recommended by the commenter. The purpose of the Department-wide priorities is to focus resources on activities that will serve students with the greatest need and to address some of the areas of greatest educational need.

*Changes:* None.

#### Final Priorities

*Priority 1—Mathematics.* Projects that support activities to enable students to achieve proficiency or advanced proficiency in mathematics.

*Priority 2—Science.* Projects that support activities to enable students to achieve proficiency or advanced proficiency in science.

*Priority 3—Critical-Need Languages.* Projects that support activities to enable students to achieve proficiency or advanced proficiency in one or more of the following less commonly taught languages: Arabic, Chinese, Korean, Japanese, Russian, and languages in the Indic, Iranian, and Turkic language families.

*Priority 4—Secondary Schools.* Projects that support activities and

interventions aimed at improving the academic achievement of secondary school students who are at greatest risk of not meeting challenging State academic standards and not completing high school.

*Priority 5—Professional Development for Secondary School Teachers.* Projects that support high-quality professional development for secondary school teachers to help these teachers improve student academic achievement.

*Priority 6—School Districts with Schools in Need of Improvement, Corrective Action, or Restructuring.* Projects that help school districts implement academic and structural interventions in schools that have been identified for improvement, corrective action, or restructuring under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001.

*Priority 7—Student Achievement Data.* Projects that collect pre- and post-intervention test data to assess the effect of the projects on the academic achievement of student participants relative to appropriate comparison or control groups.

*Priority 8—State Data Systems.* Projects that help educators use information from State data systems to improve student achievement or other appropriate outcomes.

#### Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

*Absolute priority:* Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

*Competitive preference priority:* Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the competitive preference priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

*Invitational priority:* Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities,

requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This notice does *not* solicit applications. If we choose to use one or more of the priorities referenced in this notice in FY 2009, we will invite applications for new awards under the applicable program through a notice in the **Federal Register**.

*Executive Order 12866:* This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this final regulatory action.

The potential costs associated with this final regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's discretionary grant programs effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice we have determined that the benefits of this final regulatory action justify the costs.

We have determined, also, that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

*Executive Order 12372:* Some of the programs affected by this notice are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

*Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

*Electronic Access to This Document:* You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

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<sup>1</sup> The Secretary recognizes that some of the priorities will not be appropriate for particular programs.

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(Catalog of Federal Domestic Assistance Number does not apply.)

**Program Authority:** 20 U.S.C. 1221e-3; 20 U.S.C. 6301 *et seq.*

Dated: November 18, 2008.

**Margaret Spellings,**

*Secretary of Education.*

[FR Doc. E8-27744 Filed 11-20-08; 8:45 am]

**BILLING CODE 4000-01-P**

## ELECTION ASSISTANCE COMMISSION

### Sunshine Act Notice

**AGENCY:** U.S. Election Assistance Commission.

**ACTION:** Notice of Public Meeting.

**DATE AND TIME:** Monday, December 8, 2008, 10 a.m.–4 p.m.

**PLACE:** U.S. Election Assistance Commission, 1225 New York Ave., NW., Suite 150, Washington, DC 20005, (Metro Stop: Metro Center).

**AGENDA:** Commissioners will elect officers for 2009. Commissioners will consider the following items: a draft working group policy and an EAC strategic plan. Commissioners will receive an Election Day 2008 EAC Activity Report. Commissioners will receive an update on the 2008 Election Day Survey. The Commission will consider other administrative matters. Commissioners will hold a closed session discussion about the EAC general counsel position.

This meeting will be open to the public except for the closed session discussion about the EAC general counsel position.

**PERSON TO CONTACT FOR INFORMATION:** Bryan Whitener, Telephone: (202) 566-3100.

**Thomas R. Wilkey,**

*Election Director, U.S. Election Assistance Commission.*

[FR Doc. E8-27797 Filed 11-19-08; 11:15 am]

**BILLING CODE 6820-KF-P**

## DEPARTMENT OF ENERGY

### Advanced Technology Vehicles Manufacturing Loan Program (ATVMLP)

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of public meetings.

**SUMMARY:** The U.S. Department of Energy (DOE) is in the process of accepting applications for loans for its Advanced Technology Vehicles Manufacturing Incentive Program; therefore, the agency will be hosting two public meetings for the purpose of addressing inquiries from potential loan applicants regarding the ATVMLP's Interim Final Rule as published in the **Federal Register**, 73 FR 66721, on November 12, 2008. Details of the ATVMLP can be found at <http://www.atvmlp.energy.gov/>. The first tranche of loan applications are due to the agency on or before December 31, 2008. Thereafter, applications will be due at the end of each calendar quarter. Meeting highlights and frequently asked questions will be posted to the ATVMLP Web site following each meeting.

**DATES:** The meetings will be held on Monday, December 1, 2008 and again on Friday, December 5, 2008 from 10 a.m. to 12 noon each day.

**ADDRESSES:** The meetings will be held at the DOE's Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, Room 4A-104.

**SUPPLEMENTARY INFORMATION:** The meetings are open to the public on a first-come, first-served basis. As space is limited, only two individuals per corporation are asked to attend. Reservations are required to attend either meeting; please send an e-mail to [atvmlp@hq.doe.gov](mailto:atvmlp@hq.doe.gov), or call 202-586-3811 to reserve your spot no later than close of business on Wednesday, November 26, 2008 (for the December 1 date) and Wednesday, December 3, 2008 (for the December 5 date). Each attendee will need to provide full contact information including name, company affiliation, telephone number, e-mail address, and whether a U.S. citizen. Should requests significantly exceed the limits for each meeting, DOE will consider conducting additional sessions.

**FOR FURTHER INFORMATION CONTACT:**

Ellen B. Clark, U.S. Department of Energy, Advanced Technology Vehicles Manufacturing Loan Program, 4A-157, 1000 Independence Avenue, SW., Washington, DC, (Telephone) 202-586-3811.

**Authority:** Section 136 of the Energy Independence and Security Act of 2007, as amended.

Dated: November 17, 2008.

**Lachlan W. Seward,**

*Director, Advanced Technology Vehicle Manufacturing Loan Program.*

[FR Doc. E8-27718 Filed 11-20-08; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

**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), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, December 10, 2008, 6 p.m.

**ADDRESSES:** DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, Tennessee.

**FOR FURTHER INFORMATION CONTACT:** Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831. Phone (865) 576-4025; Fax (865) 576-2347 or e-mail: [halseypj@oro.doe.gov](mailto:halseypj@oro.doe.gov) or check the Web site at <http://www.oakridge.doe.gov/em/ssab>.

**SUPPLEMENTARY INFORMATION:**

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

*Tentative Agenda:* The main meeting topic will be Trench 13 in Melton Valley.

*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 the agenda item should contact Pat Halsey at the address or telephone number listed above. Requests must be received 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. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Pat Halsey at the address and phone number listed above. Minutes will also be available at the following Web site: <http://www.oakridge.doe.gov/em/ssab/minutes.htm>.