

Sheppard Act did not apply to food service mess attendant services. Specifically, the Air Force said that individual tasks such as mess attendant, janitorial services, or grounds maintenance that support the Air Force's operation of a dining facility are not covered by the Randolph-Sheppard Act.

On October 4, 1996, the SLA lodged a protest with the General Accounting Office. The Air Force responded to this protest on October 9, 1996 seeking its dismissal. The General Accounting Office dismissed the protest on the basis that the appropriate method for resolution of the SLA's dispute was through the arbitration process pursuant to section 107d-2 of the Randolph-Sheppard Act and its implementing regulations in 34 CFR part 395.

Subsequently, the SLA requested that a Federal arbitration panel be convened to hear this dispute. A hearing of this matter was held on December 17, 1997.

Arbitration Panel Decision

The issue before the arbitration panel was whether the contract for the food service attendant services at Barksdale represented a contract for the operation of a cafeteria pursuant to the Randolph-Sheppard Act and implementing regulations.

The arbitration panel ruled in a majority opinion that the contract was not for the operation of a cafeteria. Referencing the language in the priority section of the Act, and applying a plain meaning approach to the word "operation," the arbitration panel reasoned that the issue should be based on a determination of who controls food cost and food quality. The panel determined that this must be done on a case-by-case basis. Therefore, after careful and detailed comparison of the responsibilities of the blind licensee and of the Air Force, the panel concluded that the Air Force was operator of the cafeteria at Barksdale and that the priority provisions under the Act did not apply.

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 9, 1999.

Curtis L. Richards,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99-15063 Filed 6-14-99; 8:45 am]

BILLING CODE 4000-01-P

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 June 25, 1998, an arbitration panel rendered a decision in the matter of *Michael R. Underhill v. Texas Commission for the Blind (Docket No. R-S/97-16)*. 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, Michael Underhill.

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 (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

This dispute concerns the alleged improper application by the Texas Commission for the Blind, the State licensing agency (SLA), of its transfer and promotion policies. Specifically, the complainant, Michael Underhill, alleges that he was denied an opportunity to bid on a military base food service contract under the SLA's special assignment process.

A summary of the facts is as follows. Complainant is a licensed manager under the SLA's Randolph-Sheppard vending facility program. In March, 1995, complainant was selected to receive a prospective military base food service assignment. Complainant ranked fourth on a list of five managers who qualified for such an assignment based on a special selection process to receive military base food service contracts. This special selection process was developed by the SLA in conjunction with the Elected Committee of Blind Managers.

In January 1997, the SLA allegedly ended the special assignment process for these military base contracts over the objections of the Elected Committee of Blind Managers, thus terminating complainant's eligibility to bid on the next available military base contract.

The SLA alleged that it had the authority to end the special assignment process because the unusual circumstances that merited use of the special assignment process no longer existed.

The complainant requested and received a full evidentiary hearing, which was held on May 19, 1997. In a decision dated June 2, 1997, the Administrative Law Judge (ALJ) ruled that the SLA's decision to end the special assignment process for the military base contract should be reversed and that the special assignment process should be reinstated until all of the licensed managers who qualified for such an assignment received a military base assignment or withdrew from consideration.

In a letter dated June 23, 1997, to the complainant, the SLA adopted the ALJ's decision in part by reinstating the special assignment process for Fort Bliss, Reese Air Force Base, and Fort Hood and stipulated that this process would remain in effect until one of the military base contracts was available. At that time, the SLA would determine whether it was in the best interest of the Randolph-Sheppard vending program to eliminate this special assignment process. In addition, the SLA affirmed

that the original selection list would remain in effect.

The complainant requested review of the SLA's stipulated decision by a Federal arbitration panel. The panel was convened on April 17, 1998.

Arbitration Panel Decision

The issue before the arbitration panel was whether the SLA's stipulated decision to make a determination concerning the continuation of the special assignment process at the time a military base became available was inconsistent with the ALJ's determination.

The arbitration panel ruled that, at the time a military base contract became available, there may be a compelling reason that would benefit both the program and the complainant that would justify not assigning complainant to a military base food service facility.

The panel further ruled that the SLA had the authority to end an exceptional practice promulgated under the Business Enterprise Program (BEP) Manual and pursuant to the Act and implementing regulations. However, the panel found that complainant's reliance on this exception entitled him to special consideration when the next military base facility becomes available. If he applies for such an assignment and is not selected, but is determined to be qualified to successfully operate the facility, the SLA will use the authority granted to it under the special assignment provision of the BEP Manual to assign Mr. Underhill to the facility. The panel ruled that complainant need not be provided this priority if he applies for a new facility under the regular selection process.

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 9, 1999.

Curtis L. Richards,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99-15064 Filed 6-14-99; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Public Hearing on the Supplement to the Draft Surplus Plutonium Disposition Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy (DOE) will hold a public hearing on the

Supplement to the Surplus Plutonium Disposition Draft Environmental Impact Statement (Draft SPD EIS). The hearing will be held on June 15, 1999, in Washington, DC, and will focus on issues associated with the analysis of the specific commercial reactors that the Department proposes to use for the irradiation of mixed oxide fuel in addition to other changes to the Draft SPD EIS presented in the Supplement. The purpose of this hearing is to facilitate an exchange of information and to provide a forum for receiving public comments on the supplement. Members of the public are invited to attend.

DATES: The hearing will be held on June 15, 1999, in Washington, DC.

ADDRESSES: Questions about the hearing should be addressed to: Bert Stevenson (202-586-5368; bert.stevenson@hq.doe.gov); by mail to DOE, Office of Fissile Materials Disposition, P.O. Box 23786, Washington, DC 20026-3786; or through the program web site at www.doe-md.com. Preregistration for the hearing is available by calling 1-800-820-5134 or by fax at 1-800-820-5156. The hearing will be held at the Hotel Washington, 15th St. and Pennsylvania Ave. NW, Washington, DC, (202) 638-5900.

FOR FURTHER INFORMATION CONTACT: Bert Stevenson, NEPA Compliance Officer, Office of Fissile Materials Disposition, Department of Energy. (202) 586-5368.

SUPPLEMENTARY INFORMATION: The Draft Surplus Plutonium Disposition EIS (DOE/EIS-0283-D) was prepared in accordance with the National Environmental Policy Act (NEPA) and issued in July 1998. It identified the potential environmental impacts of reasonable alternatives for the proposed siting, construction and operation of three facilities for plutonium disposition. The draft also included the potential environmental impacts of using from three to eight commercial nuclear reactors to irradiate mixed oxide fuel. The potential impacts were based on a generic reactor analysis that used actual reactor data and a range of potential site conditions. Subsequently, six specific reactors at three sites have been selected through a competitive procurement process that included an environmental review specified in DOE's NEPA Regulations (10 CFR 1021.216). The Supplement describes the potential environmental impacts of irradiating mixed oxide fuel in these specific reactors. The proposed reactors are the Catawba Nuclear Station near York, South Carolina; the McGuire Nuclear Station near Huntersville, North

Carolina; and the North Anna Power Station near Mineral, Virginia. Each of the proposed sites has two operating nuclear reactors that would be used to irradiate mixed oxide fuel assemblies.

The public hearing will provide the public the opportunity to present comments, ask questions, and discuss concerns related to plutonium disposition by the irradiation of the surplus plutonium as mixed oxide fuel in the six commercial reactors at the three sites. The Department will receive oral and written comments on the Supplement to the Draft SPD EIS. Written and oral comments will be given equal weight in preparing the final SPD EIS. Input from this hearing along with comments received by other means (phone, mail, fax, website) will be used by the Department in preparing the final SPD EIS. The public hearing will be held in the Washington Room of the Hotel Washington, 15th St. and Pennsylvania Ave. NW, Washington, DC. Two sessions will be held on that date. The first session will start at 9 am and the second session will begin at 1:30 pm. Advanced registration for the hearing is requested but not required. Please call 1-800-820-5134 and leave your name and the session or sessions you plan to attend. This information will be used to determine the size and number of rooms needed for the hearing.

Issued in Washington, DC on this 4th day of June 1999, for the United States Department of Energy.

Laura S.H. Holgate,

Director, Office of Fissile Materials Disposition.

[FR Doc. 99-15125 Filed 6-14-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration, DOE.

ACTION: Agency information collection activities: Proposed collection; comment request.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments on the proposed extension to the "Recordkeeping Requirements of DOE's General Allocation and Price Rules," ERA-766R.

DATES: Written comments must be submitted on or before August 16, 1999. If you anticipate difficulty in submitting