

data for this system on computers and in hard copy.

**RETRIEVABILITY:**

Records in this system are indexed by a number assigned to each individual, which is cross-referenced by the individual's name on a separate list.

**SAFEGUARDS:**

All physical access to the Department's site, and the site of the Department's contractor where this system of records is maintained, is controlled and monitored by security personnel. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This computer system limits data access to Department and contract staff on a "need to know" basis, and controls individual users' ability to access and alter records within the system. The contractor, Westat, has established a set of procedures to ensure confidentiality of data. The system ensures that information identifying individuals is in files physically separated from other research data. Westat will maintain security of the complete set of all master data files and documentation. Access to individually identifiable data will be strictly controlled. All data will be kept in locked file cabinets during nonworking hours, and work on hardcopy data will take place in a single room, except for data entry. Physical security of electronic data will also be maintained. Security features that protect project data include: password-protected accounts that authorize users to use the Westat system but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; e-mail passwords that authorize the user to access mail services; and additional security features that the network administrator establishes for projects as needed. The contractor employees who maintain (collect, maintain, use, or disseminate) data in this system must comply with the requirements of the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

**RETENTION AND DISPOSAL:**

Records are maintained and disposed of in accordance with the Department of Education's Records Disposition Schedules (ED/RDS). In particular, the Department will follow the schedules outlined in Part 3 (Research Projects and Management Study Records) and Part 14 (Electronic Records) of ED/RDS.

**SYSTEM MANAGER AND ADDRESS:**

Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 502D, Washington, DC 20208.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, contact the systems manager. Your request must meet the requirements of regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURE:**

If you wish to gain access to your record in the system of records, contact the system manager. Your request must meet the requirements of regulations at 34 CFR 5b.5, including proof of identity.

**CONTESTING RECORD PROCEDURE:**

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of regulations at 34 CFR 5b.7, including proof of identity.

**RECORD SOURCE CATEGORIES:**

Information is obtained from interviews with Even Start CLIO study participants, staff, and kindergarten and first grade teachers of CLIO children and direct assessments of Even Start CLIO study participants. Even Start programs participating in CLIO also provide information to the CLIO study on who is participating in the program at each data collection point and their attendance in the program's services.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

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**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:** The Department gives notice that on March 30, 2006, an arbitration panel rendered a decision in the matter of *Gary DeFalco v. Nevada Department of Employment, Training and Rehabilitation (Docket No. R-S/05-2)*. This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d-1(a), after the Department

received a complaint filed by the complainant, Gary DeFalco.

**FOR FURTHER INFORMATION CONTACT:** You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5022, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

**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**

This dispute concerned alleged violations of the Act (20 U.S.C. 107 *et seq.*), the implementing regulations in 34 CFR part 395, and State rules and regulations by the Nevada Department of Employment, Training and Rehabilitation concerning complainant's management of Facility #43, a vending machine route.

A summary of the facts is as follows: Complainant has been a licensed vendor in the Nevada Department of Employment, Training and Rehabilitation's Randolph-Sheppard vending facility program since 1987. On January 29, 2002, complainant filed a grievance with the Nevada Department of Employment, Training and Rehabilitation, the State licensing agency (SLA), alleging that the SLA—(1) denied his right as the Southern Nevada Representative to manage a vending facility at the Las Vegas Water District; (2) denied his right as the Southern Nevada Representative to manage a vending site at the Las Vegas Department of Energy Support Facility; (3) denied his right as the Southern Nevada Representative to service all vending sites in southern Nevada since May 1999; and (4) placed him on a corrective action plan concerning his alleged improper management of Facility #43 prior to his receiving a notice of non-compliance from the SLA or being given the opportunity for corrective action. On February 15, 2002, the SLA rejected complainant's four grievances.

Subsequently, complainant filed for a State fair hearing with the SLA. A hearing on this matter was held on May 22 and June 19, 2002. On April 11, 2003, the hearing officer affirmed that complainant failed to establish any violations by the SLA regarding complainant's four grievances and the SLA's administration of the Nevada Randolph-Sheppard vending facility program. However, the hearing officer ruled that the complainant should not be responsible for the lease payments for his business vehicle for Facility #43 while a vending company serviced his vending route. The SLA adopted the hearing officer's decision as final agency action. The complainant sought review of that decision by a Federal arbitration panel.

#### Arbitration Panel Decision

After reviewing all of the records and hearing testimony of witnesses, the panel majority ruled that—(1) The complainant was never appointed the Southern Nevada Representative and, therefore, had no first right of refusal for new vending routes in southern Nevada; (2) because the complainant completed all of the requirements of the corrective action plan, the SLA must place him back to work either into his previous position or in a suitable route but that there should be no damages because his net compensation during the time he was removed from the route had not diminished; (3) the SLA had fulfilled the order of the State hearing officer by paying for lease and insurance payments on complainant's vehicle because the complainant had been deducting these expenses from the set-aside normally paid to the SLA; (4) the loaning of start-up funds to the vendor by the SLA was not in violation of the Act; and (5) the arbitration hearing was not the proper venue for allegations that one of the panel members should have recused himself from the panel.

One panel member dissented from one of the panel's rulings—that the SLA should return the complainant to his previous vending route or a similar vending route—based upon the belief that an arbitration panel does not have the authority to specify an award to the vendor even when a violation of the Act has been found.

One panel member dissented from the entirety of panel's decision with the exception of the panel's ruling that the SLA should return the complainant to his previous vending route or a similar vending route.

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

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**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.gpoaccess.gov/nara/index.html>.

Dated: December 1, 2006.

**John H. Hager,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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**BILLING CODE 4000-01-P**

#### DEPARTMENT OF ENERGY

##### Bonneville Power Administration

##### Windy Point Wind Energy Project; November 2006

**AGENCY:** Bonneville Power Administration (BPA), Department of Energy.

**ACTION:** Notice of Record of Decision (ROD).

**SUMMARY:** This notice announces the availability of the ROD to offer contract terms for interconnection of up to 250 megawatts of power to be generated by the proposed Windy Point Wind Energy Project (Wind Project) into the Federal Columbia River Transmission System (FCRTS). BPA has considered both the economic and environmental consequences of taking action to integrate power from the Wind Project into the FCRTS. The Wind Project would be interconnected at BPA's Rock Creek Substation (under construction) along BPA's Wautoma—John Day No. 1 500-kilovolt transmission line. The Wind Project would be located between 6 to 15 miles southeast of Goldendale, Washington, north and northwest of the community of Goodnoe Hills. The project would be east of Highway 97 and south of Hoctor Road, and would be constructed on and next to a high ridgeline overlooking the Columbia River. This decision is consistent with

and tiered to BPA's Business Plan Final Environment Impact Statement (BP EIS) (DOE/EIS-0183, June 1995), and the Business Plan Record of Decision (BP ROD, August 15, 1995).

**ADDRESSES:** Copies of the ROD may be obtained by calling BPA's toll-free document request line, 1-800-622-4520. The ROD is also available on our Web site, <http://www.efw.bpa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Nancy Wittpen, Bonneville Power Administration—KEC-4, P.O. Box 3621, Portland, Oregon, 97208-3621; toll-free telephone number 1-800-282-3713; fax number 503-230-5699; or e-mail [nawittpen@bpa.gov](mailto:nawittpen@bpa.gov).

Issued in Portland, Oregon, on November 29, 2006.

**Stephen J. Wright,**

*Administrator and Chief Executive Officer.*

[FR Doc. E6-20654 Filed 12-5-06; 8:45 am]

**BILLING CODE 6450-01-P**

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. RP00-305-030]

##### CenterPoint Energy—Mississippi River Transmission Corporation; Notice of Negotiated Rate

November 29, 2006.

Take notice that on November 22, 2006, CenterPoint Energy—Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to be effective November 22, 2006:

First Revised Sheet No. 10E  
First Revised Sheet No. 10F

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or