

remaining seating will be available on a first-come, first-served basis beginning at 5:00 p.m. CDT. The special Oversight Board expects that public statements presented at its meeting will deal only with first-hand experiences with potential environmental exposures such as pesticides and tent heaters encountered during Operations Desert Shield and Desert Storm. Board interest is focused on Department of Defense investigations of Gulf War chemical and biological incidents. Clinical and health benefits issues remain outside the scope of the Board's responsibilities under Executive Order No. 13075. In general, each individual making an oral presentation will be limited to a total time of five minutes. Written comments received after April 10 will be mailed to Board members after the adjournment of the San Antonio meeting.

Dated: February 24, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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BILLING CODE 5000-04-M

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 December 18, 1997, an arbitration panel rendered a decision in the matter of *Melvin Barrineau, et al. v. South Carolina Commission for the Blind* (Docket No. R-S/96-7). 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 petitioners, Melvin Barrineau, et al.

FOR FURTHER INFORMATION CONTACT: 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.

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 a document is the document published in the **Federal Register**.

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 distribution of vending machine income generated by non-blind operated vending machines to licensed blind vendors who operate separate facilities at the Department of Energy's (DOE) Savannah River site in South Carolina. Each of these separate facilities is a route comprised solely of vending machines located at different buildings.

Pursuant to the Act in 20 U.S.C. 107d-3, DOE annually distributed 50 percent of the vending machine income from the non-blind operated vending machines to the South Carolina Commission for the Blind, the State licensing agency (SLA). The SLA used the income, in accordance with the Act, to benefit all licensed blind vendors in the South Carolina Randolph-Sheppard Vending Facility Program. None of the income was distributed to any of the licensed vendors at the DOE Savannah River site. The SLA alleged that, because of its size (approximately 320 square miles) and configuration, the DOE Savannah River site should be treated as more than one Federal property for the purposes of distributing vending machine income.

On the other hand, the complainants' position was that the Savannah River site should be treated as a single Federal property. Therefore, the complainants alleged that the SLA was in violation of the Act by not distributing the income from vending machines to the blind vendors on the Federal property.

The complainants requested and received a full evidentiary hearing, which was held on January 22, 1996. The hearing officer issued a decision on March 5, 1996, that the dispute depended upon an interpretation of Federal statutory or regulatory requirements or agency policy, so the hearing officer had no jurisdiction over the dispute.

Subsequently, the complainants requested that an arbitration panel be convened to hear the dispute. The panel was convened on August 26 and 27, 1997.

Arbitration Panel Decision

The following issues were before the arbitration panel: (1) Should the Savannah River site be considered a single "Federal property" as defined by 20 U.S.C. 107e(3) for the purpose of distribution of vending machine income under 20 U.S.C. 107d-3(a)? (2) Should the South Carolina Commission for the Blind be allowed to interpret clear and unambiguous statutory and regulatory language to its benefit, and should the Rehabilitation Services Administration (RSA) be allowed to interpret clear and unambiguous statutory and regulatory language differently from case to case? (3) Does vending machine income from non-Randolph-Sheppard vendors on Federal property accrue to blind vendors operating on that property regardless of the property's size or the apparent degree of competition?

The arbitration panel referred to the legislative history of the 1974 Amendments to the Act in making its decision. The panel found that Congress provided specific guidance to the Commissioner of RSA in the determination, on a case-by-case basis, of what ceiling should be imposed on income to blind vendors from vending machines not a part of the vendor's facility. According to the legislative history, the following factors should be taken into account: Whether an additional blind vendor might be installed on the property. How much vending machine income is involved. The current income of the licensee, including the adequacy of that income to meet the vendor's needs. The age and length of service of the blind vendor. The panel applied each of these factors to the facts in this case.

The panel further found, in examining the Act, regulations, and preamble to the regulations, that the term "Federal property" was used interchangeably with the words "building, location, and premises." See 20 U.S.C. 107a(d) and 34 CFR 395.31. Therefore, the majority of the panel reasoned that the interpretation of the term "Federal property" should not be so convoluted as to result in the provision of a windfall of other unassigned vending machine income being distributed to the blind vendors operating vending routes at the Savannah River site. The majority of the panel reasoned further that for the purposes of the Act the Savannah River site is no more a single Federal property than the District of Columbia.

In addition, the panel took into account the decision of the Commissioner of RSA that the SLA could treat the Savannah River site as more than one Federal property. The panel stated that this RSA policy should be given deference as the Commissioner is charged by Congress with the direct national administration, policy, and management responsibility for the Act.

For the foregoing reasons, the majority of the arbitration panel concluded that—(1) neither the Act, the regulations promulgated under it, nor any decision by an arbitration panel or court compels the Savannah River site to be treated as a single Federal property for the purposes of the Randolph-Sheppard Act; (2) the blind vendor routes at the Savannah River site constitute separate and distinct Federal properties; (3) to find otherwise would constitute a distortion of the provisions and underlying purpose of the Randolph-Sheppard Act; and (4) to allocate unassigned vending income to the complainants in this case would be an unanticipated windfall to them.

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: February 22, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99-4888 Filed 2-26-99; 8:45 am]

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DEPARTMENT OF ENERGY

[Docket No. EA-205]

Application To Export Electric Energy; A. Gonzalez, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: A. Gonzalez, Inc. has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before March 31, 1999.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0350 (FAX 202-287-5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202-586-4708 or Michael Skinker (Program Attorney) 202-586-6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On February 18, 1999, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from A. Gonzalez Inc. (AGI) to transmit electric energy from the United States to Mexico. AGI is a power marketer and does not own or control any facilities for the generation or transmission of electricity, nor does it have a franchised service area. AGI proposes to transmit to Mexico electric energy purchased from electric utilities and other suppliers within the U.S.

In FE Docket EA-205, AGI proposes to arrange for the delivery of electric energy to Mexico over the international transmission facilities owned by San Diego Gas and Electric Company, El Paso Electric Company, Central Power and Light Company, and Commission Federal de Electricidad, the national electric utility of Mexico.

The construction of each of the international transmission facilities to be utilized by AGI, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's rules of practice and procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the AGI application to export electric energy to Mexico should be clearly marked with Docket EA-205. Additional copies are to be filed directly with Antonio Gonzalez, 2345 Marconi Court, Suite A, Otay Mesa, California 92173.

A final decision will be made on this application after the environment impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA), and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Regulatory Programs," then "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on February 23, 1999.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 99-4990 Filed 2-26-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP-152-000]

Canadian-Montana Pipe Line Corporation; Notice of Application for Section 3 Authorization and Request for a Presidential Permit

February 23, 1999.

Take notice that on January 12, 1999, Canadian-Montana Pipe Line Corporation (CMPL), 40 East Broadway, Butte, Montana 59701, filed an application pursuant to Section 3 of the Natural Gas Act (NGA) and Part 153 of the Commission's regulations for a Presidential Permit and authorization to site, construct, and operate facilities for the importation of natural gas from Canada. CMPL's proposal is more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (please call (202) 208-2222 for assistance).

Specifically, CMPL is seeking NGA Section 3 authority and a Presidential