

Dated: February 10, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Bilingual Education and Minority Languages Affairs

Type of Review: Extension.

Title: Application for Participation in the Bilingual Education Graduate Fellowship Program.

Frequency: Annually.

Affected Public: Individuals or households; Not-for-profit institutions.

Reporting and Recordkeeping Burden:

Responses: 45.

Burden Hours: 1,500.

Abstract: This form is used by institutions of higher education to request approval of their graduate programs of study so that they may nominate students for fellowships. The student nomination form becomes part of the award document and is used by institutions to report annually on the amount of funds spent per fellowship.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890-0001). Therefore, this 30-day public comment period notice will be the only public comment notice published for this information collection.

Office of Bilingual Education and Minority Languages Affairs

Type of Review: Extension.

Title: Demonstration of Compliance with Terms and Conditions of the Bilingual Education Graduate Fellowship Program Contract.

Frequency: Annually.

Affected Public: Individuals or households.

Reporting and Recordkeeping Burden:

Responses: 700.

Burden Hours: 366.

Abstract: Regulations (34 CFR 535.50) require Fellowship Recipients to demonstrate compliance with Terms and Conditions of Assistance awarded under the Bilingual Education Graduate Fellowship Program. Recipients must either work in an approved activity or repay the financial assistance.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890-0001). Therefore, this 30-day public comment period notice will be the only public comment notice published for this information collection.

[FR Doc. 99-3679 Filed 2-12-99; 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 May 18, 1998, an arbitration panel rendered a decision in the matter of *Georgia Middendorf v. Washington State Department of Services for the Blind* (Docket No. R-S/96-8). 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, Georgia Middendorf.

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, 600 Maryland Avenue, S.W., Room 3230, Mary E. Switzer Building, Washington, D.C. 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 (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 termination of Georgia Middendorf's operator license by the Washington State Department of Services for the Blind, the State licensing agency (SLA). In 1981, following training with the SLA's Business Enterprise Program, complainant operated a dry stand in Seattle, Washington. Later that year, Ms. Middendorf began operating a cafeteria in the county courthouse in Everett, Washington. Complainant operated this facility for four years before resigning due to personal problems.

Subsequently, complainant operated a snack bar vending facility in a State building in Olympia, Washington for four years. In 1989, Ms. Middendorf resigned as the result of friction between the building management and some members of her staff. In 1991, Ms. Middendorf was licensed to operate a snack bar and espresso cart in the County-City Building located in Tacoma, Washington. Difficulties and concerns in the management of the operation were identified by the building management and the SLA, but these issues improved late in 1991. At the close of 1991, complainant's husband was diagnosed with a terminal illness and subsequently died in 1992. During this period of time, the quality of service and cleanliness declined dramatically at the snack bar and espresso cart operation, and the SLA counseled Ms. Middendorf concerning the need to improve the quality of service. Complainant was not receptive. In 1993, Ms. Middendorf resigned.

In August 1995, complainant was the sole bidder for a cafeteria vending facility at the Social Security Administration (SSA) in Auburn, Washington. The SLA awarded the contract to Ms. Middendorf pursuant to its rules and regulations as she was the only eligible bidder.

The SLA, SSA, and General Services Administration (GSA), the property managing agency, made a concerted effort to assist Ms. Middendorf in succeeding in the operation of the SSA cafeteria. However, increasing complaints from the patrons concerning both the food and cleanliness prompted both GSA and SSA to complain to the SLA.

The SLA responded by devising a corrective action plan with the goal of

assisting the complainant in addressing such issues as better food preparation and improved appearance, demeanor, and attitude of complainant and her staff. Complainant agreed to the corrective action plan, but it was never implemented.

In November 1995, GSA and SSA demanded that Ms. Middendorf be removed from the operation of the cafeteria based upon her unsatisfactory performance. On November 30, GSA and SSA met with the SLA and the complainant. GSA and SSA requested the immediate resignation of complainant. Ms. Middendorf refused, and GSA cancelled the SLA's permit to operate the cafeteria.

The SLA protested the cancellation of its permit and indicated to GSA its plan to request arbitration of the matter. Subsequently, GSA withdrew cancellation of the SLA's permit. The SLA resumed operation of the cafeteria. However, under the settlement agreement, complainant was not allowed to return.

On January 23, 1996, the Director of the SLA met with complainant. She was advised in writing of the deficiencies in her operation and complainant was informed that unless she would undertake a six-month training program, the SLA would cancel her license. Complainant rejected the SLA's proposal. The SLA then cancelled Ms. Middendorf's license.

Ms. Middendorf requested and received a State evidentiary fair hearing on April 18, 1996. On April 30, the Administrative Law Judge (ALJ) sustained the cancellation of complainant's license. It was this final agency action that Ms. Middendorf sought to have reviewed by a Federal arbitration panel. A Federal arbitration of this matter was held on June 19 and 20, 1997.

Arbitration Panel Decision

The issue before the arbitration panel was whether the Washington State Department of Services for the Blind acted properly and within the scope of its authority under the Randolph-Sheppard Act and implementing regulations in revoking Georgia Middendorf's operator license.

A majority of the panel concluded that, while the SLA needs to be proactive in assisting vendors under the program to avoid the kind of complaints about service and sanitation that existed at the SSA cafeteria, the SLA acted within the scope of its authority in terminating complainant's license.

One panel member dissented from the majority opinion.

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

Dated: November 17, 1998.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99-3627 Filed 2-12-99; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Floodplain and Wetlands Involvement Notification for the Pond B Dam Repair Project at the Savannah River Site (SSR)

AGENCY: Department of Energy (DOE).

ACTION: Notification of floodplain and wetlands involvement.

SUMMARY: DOE proposes to repair the earthen dam impounding Pond B, one of the former reactor cooling reservoirs located on SSR. The results of recent inspections have indicated that seepage conditions and erosion threaten the structural stability of the dam. Due to former reactor operation, Pond B contains low levels of radionuclide contamination. The proposed action is needed to increase the stability of the structure and reduce the risk of failure. The proposed action entails the placement of a soil blanket over the downstream slope and toe of the Pond B dam. Some areas encompassed by this repair are located in both 100-year floodplain and jurisdictional wetlands. In accordance with 10 CFR 1022, DOE will prepare a floodplain and wetlands assessment and will perform this proposed action in a manner so as to avoid or minimize potential harm to or within the affected floodplain or wetlands.

DATES: Comments on the proposed action are due on or before March 3, 1999.

ADDRESSES: Comments regarding this assessment should be addressed to Andrew R. Grainer, National Environmental Policy Act (NEPA) Compliance Officer, Savannah River Operations Office, Building 742-A, Room 183, Aiken, South Carolina 29808. The fax/phone number is (800) 881-7292. The e-mail address is nepa@srs.gov.

FOR FURTHER INFORMATION ON GENERAL FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW.,

Washington, DC 20585. Telephone (202) 586-4600 or (800) 472-2756.

A location map showing SRS and further information can be obtained from the Savannah River Operations Office (see **ADDRESSES** above).

SUPPLEMENTARY INFORMATION: Pond B is one of the former production reactor cooling ponds on SRS, located near Aiken, South Carolina. Due to releases during the period of reactor operation, Pond B contains low levels of radionuclide contamination within the lakebed sediments and waters of the impoundment. The dam is an earthen embankment constructed in 1959-1960. Recent inspections of this structure by SRS engineers and the Federal Energy Regulatory Commission have found seepage conditions and erosion which threaten the stability of the dam.

The DOE Savannah River Operations Office (SR) proposes to make repairs to the downstream slope and toe of the Pond B dam. These repairs would entail the following: (1) stripping of topsoil and vegetation on the face of the dam and at least a 50 to 100 foot area along the toe of the dam; (2) construction of a rock core underdrain system on the face of the dam and along the entire toe of the dam; (3) installation of weir boxes, piezometers, and lateral movement monitors; (4) and placement of an additional 30,000-50,000 cubic yards of previous material in the form of a soil blanket on the downstream face of the dam. The purpose of the proposed action is to increase the stability of the dam and reduce the risk of failure.

The area of the floodplain and wetlands is dominated by an overstory of tulip tree (*Lireodendron tulipifera*) and red maple (*Acer rubrum*). A number of species are present in the understory, including tulip tree, red maple, red bay (*Persea borbonia*), and sweetgum (*Liquidambar styraciflua*). The herbaceous layer is dominated by maidencane (*Panicum Hemitomon*), sensitive fern (*Onoclea sensibilis*), and rush (*Juncus* spp.). Soils in this area are mapped as Fluvaquents and are listed for SRS as hydric soils.

The wetland area below the dam is believed to have been natural wetlands prior to the construction of Pond B dam, although soil saturation is likely to have increased as a result of the man-made impoundment. Approximately 3 to 4 acres of wetlands would be impacted by the extension of the toe of the dam with the proposed placement of a soil blanket.

During implementation of the proposed action, project activities that could take place in floodplain and wetland areas would include grading,