

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,

clearing of vegetation, and placement of fill materials. Some of these activities would require temporary construction access. A number of mitigation activities would be implemented to minimize potential impacts to the floodplain and wetland areas. Operation of construction equipment in the floodplain and wetland areas would be minimized. Depending upon the type of mechanized construction equipment to be employed, the use of platform support mats may be required to minimize the impacts to the wetland soils in the project area. Silt fences and other erosion control structures as needed would be installed to ensure there is no deposition in the downslope wetland areas. Best management practices would be employed during construction and maintenance activities associated with this proposed action.

In accordance with DOE regulations for compliance with floodplain and wetland environmental review requirements (10 CFR 1022), DOE-SR will prepare a floodplain and wetlands assessment for this proposed DOE action. The assessment will be included in the environmental assessment (EA) being prepared for the proposed action in accordance with the requirements (EA) being prepared for the proposed action in accordance with the requirements of NEPA. A floodplain statement of findings will be included in any finding of no significant impact that is issued following the completion of the EA or may be issued separately.

Issued in Aiken, SC, on February 3, 1999.

**Lowell E. Tripp,**

*Director, Engineering and Analysis Division, Savannah River Operations Office.*

[FR Doc. 99-3653 Filed 2-12-99; 8:45 am]

BILLING CODE 6450-01-M

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. ER99-1134-000]

**Central Vermont Public Service Corporation; Notice of Filing**

February 9, 1999.

Take notice that on January 27, 1999, Central Vermont Public Service Corporation (Central Vermont), tendered for filing in the above-referenced docket a Service Agreement with Select Energy, Inc., under its FERC Electric Tariff No. 8.

Central Vermont requests waiver of the Commission's Regulations to permit the service agreement to become effective December 3, 1998.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests should be filed on or before February 19, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 99-3636 Filed 2-12-99; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. CP99-188-000]

**El Paso Offshore Gathering and Transmission Company; Notice of Petition for Declaratory Order**

February 9, 1999.

Take notice that on February 1, 1999, El Paso Offshore Gathering and Transmission Company (El Paso), P.O. Box 2511, Houston, Texas 77252-2511, filed in the above docket a petition seeking a declaratory order from the Commission requesting the Commission to declare that certain facilities being acquired by El Paso from Northern Natural Gas Company (Northern) will be gathering facilities as defined by section 1(b) of the Natural Gas Act (NGA), and as such, will exempt from the Commission's NGA jurisdiction. Northern has filed for abandonment of these facilities in Docket No. CP98-744-000.

The facilities that El Paso seeks to have declared non-jurisdictional upon purchase from Northern are certain non-contiguous pipeline facilities, with appurtenances, located in Matagorda Island, Offshore Texas known as the Seagull Shoreline Laterals (SSL facilities). Specifically these facilities include:

(1) MATAGORDA ISLAND 623 A: (TOS-84071) approximately 2 miles of 16-inch pipeline and appurtenant facilities, extending from the platform in MAT 623 "A" to an underwater connection in MAT 623 "B".

(2) MATAGORDA ISLAND 623 B & 624: (TOS-83431 & TOS 83421) approximately 4 miles of 24-inch pipeline with associated metering and appurtenant facilities from the "B" platform in MAT 623 to El Paso's facilities in MAT 624, and approximately 0.4 miles of 10-inch pipeline from MAT 624 to a subsea tap on the 24-inch line in MAT 623.

(3) MATAGORDA ISLAND 622 C: (TOS-84961) approximately 3 miles of 24-inch pipeline with associated metering and appurtenant facilities from MAT 622 "C" to the "B" platform in MAT 623, and

(4) MATAGORDA ISLAND 628: (TOS-85411) approximately 7 miles of 16-inch pipeline associated metering and appurtenant facilities, extending from the platform in MAT 638 "B" to an underwater connection in MAT 622 "C".

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 1, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. The petition may be viewed on the web at [www.ferc.fed.us](http://www.ferc.fed.us). Call (202) 208-2222 for assistance.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this petition if no motion to intervene is filed within the time required herein or if the Commission on its own review of the matter, finds that a grant of the certificate for the proposal is required by the public convenience and necessity. If the Commission believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be