

the cafeteria designated the facility as a snack bar, which could sell only one hot meal per day, so that it could be operated by a permit rather than a contract. On August 23, 1990, GSA issued new permits effective January 1, 1990. The permit for the snack bar, which was formerly the cafeteria, listed items to be sold as soft drinks, juice, coffee, and other beverages. Likewise, the permit for the vending facility operated by Mr. McMullin listed the same items.

Mr. McMullin requested and received an evidentiary hearing from the SLA regarding his exclusive rights to sell carbonated beverages at the Federal Office Building in Richland, Washington. On April 9, 1991, an Administrative Law Judge (ALJ) for the State of Washington rendered a decision stating that, "[t]he petitioner did not have an exclusive permit to sell carbonated beverages and other related items at the canteen at the Richland Federal Building." Therefore, the ALJ denied Mr. McMullin's petition for relief and for attorney's fees. Subsequently, the SLA adopted the ALJ's opinion as final agency action.

On April 29, 1991, the complainant filed a request with the Secretary of Education to convene a Federal arbitration panel to review the decision of the SLA. An arbitration hearing was held March 12 and 13, 1992.

Arbitration Panel Decision

A majority of the panel ruled that Mr. McMullin did not have an exclusive right to sell carbonated beverages in the Richland Federal Office Building. The panel concluded that, under the Randolph-Sheppard Act, the categories of items to be sold by a blind vendor are fixed in the permit granted by a Federal property managing agency to a State licensing agency. The blind vendor is not the recipient of that permit, nor does the vendor have a contractual relationship with either the property managing agency or the State agency. The vendor receives only a license to operate the vending facility under the terms of the permit held by the State agency. The license is subject to revocation or alteration by the SLA. The panel reasoned that Mr. McMullin had benefited from the Department's advocacy of what was referred to as his "exclusive right" to sell carbonated beverages and that, when GSA requested the SLA to submit new permits for the vending facility and the cafeteria, there was nothing to preclude the SLA from changing the categories of items to be sold at the vending facility. The panel member representing complainant dissented from the

majority on this point arguing that the governing regulations require involvement of a blind vendor in selection of items to be sold and that the SLA had failed to advocate the complainant's position.

A majority of the panel ruled that Mr. McMullin was not entitled to substantive relief. A different majority concluded that the SLA had so frequently asserted that Mr. McMullin had an exclusive right to sell carbonated beverages that its conduct provided a strong basis for complainant to contest what he believed to be an illegal and improper revision of those rights. Consequently, in asserting those rights, Mr. McMullin was forced to incur considerable legal fees and other costs in challenging changes made regarding operation of his vending facility. That majority ruled that Mr. McMullin was entitled to an award of attorney's fees and other costs that he had incurred in asserting his rights because of his reliance on the SLA's longstanding support of his position. However, the panel member representing the SLA considered that attorney's fees should be awarded only to vendors who succeed on the merits of their claims.

The final award by the arbitration panel held that Mr. McMullin was not entitled to a reinstatement of the alleged exclusive right to sell carbonated beverages. The panel did not award him any damages. However, the award did direct the SLA to compensate Mr. McMullin for the attorney's fees and other litigation costs and expenses he incurred in challenging the revisions made in the permit held by the SLA.

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

Dated: January 17, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95-1579 Filed 1-20-95; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Financial Assistance Award: Dr. Eskil Karlson

AGENCY: Department of Energy.

ACTION: Notice of Intent.

SUMMARY: The U.S. Department of Energy announces that pursuant to 10 CFR 600.6(a)(2) it is making a financial assistance award under Grant Number DE-FG01-95EE15629 to Dr. Eskil Karlson of Life Support Incorporated. The proposed grant will provide

funding in the estimated amount of \$93,675 by the Department of Energy for the purpose of saving energy through development of the inventor's Ozone Generator Dielectric Improvement innovation which replaces the energy dissipative glass insulator in ozone generating devices with a high-dielectric, high-breakdown-voltage ceramic thin film.

SUPPLEMENTARY INFORMATION: The Department of Energy has determined in accordance with 10 CFR 600.14(e)(1) that the unsolicited application for financial assistance submitted by Dr. Eskil Karlson is meritorious based on the general evaluation required by 10 CFR 600.14(d) and the proposed project represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. Laboratory tests have shown this method has already attained a reduction in energy requirements for ozone production of about 50 percent. The inventor and principal investigator, Dr. Eskil Karlson, who has over 100 patents and over twenty years experience in the field of ozone generation, will use his skills and experience and the engineering facilities of Life Support Incorporated for this project. The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, the Energy Related Invention Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation.

FOR FURTHER INFORMATION CONTACT:

Please write the U.S. Department of Energy, Office of Placement and Administration, ATTN: Rose Mason, HR-531.23, 1000 Independence Avenue, SW., Washington, D.C. 20585.

The anticipated term of the proposed grant is 18 months from the date of award.

Issued in Washington, D.C. on January 13, 1995.

Richard G. Lewis,

Contracting Officer, Office of Placement and Administration.

[FR Doc. 95-1640 Filed 1-20-95; 8:45 am]

BILLING CODE 6450-01-P

International Energy Agency Meeting

AGENCY: Department of Energy.

ACTION: Notice of meeting.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet January 30 and 31, 1995, at the offices of the Organization for Economic Cooperation and Development (OECD) in Paris, France, to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions on the same date at the OECD offices.

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Acting Assistant General Counsel for International and Legal Policy, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, 202-586-6738.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on January 30 and 31, 1995, at the headquarters of the Organization for Economic Cooperation and Development (OECD), 2, rue Andre-Pascal, Paris, France, beginning at 2:30 p.m. on January 30. The purpose of this meeting is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ) which is scheduled to be held at the OECD on January 30-31, 1995, including a preparatory session for company representatives from 2:00 p.m. to 2:30 p.m. on January 30. The agenda for the preparatory session for company representatives is to elicit views regarding items on the agenda for the SEQ meeting. The agenda for the meeting of the SEQ is under the control of the SEQ. It is expected that the following draft agenda will be followed:

1. Adoption of the Agenda
2. Approval of Summary Record of the 82nd Meeting
3. SEQ Work Program
 - Report by the Secretariat on Governing Board discussion of 1995 Work Program
 - Possible SEQ input to Governing Board meeting at ministerial level
 - Preliminary discussion of preparations for 1996 Work Program
4. Proposals on IEA Emergency Response
 - Report by Chairman of the SEQ on Governing Board meeting of December 14, 1994, and discussion
5. Emergency Reserve Situation of IEA Countries
 - Emergency reserve and net import situation of IEA countries on July 1,

- 1994
 - Emergency reserve and net import situation of IEA countries on October 1, 1994
 - Report to the Governing Board on the emergency reserve situation of IEA countries on October 1, 1994
 6. IAB Activities
 7. Emergency Management Manual (EMM)
 - Governing Board decision on the EMM
 - European Union Directorate General XVII Proposals on the EMM
 - Emergency Reference Guide Update
 8. The Emergency Response Potential of IEA Countries
 - Status report on publication
 9. Emergency Response Reviews
 - Draft revised questionnaire
 - Tentative schedule of reviews
 10. Emergency Response Issues in IEA Candidate Countries
 - IEA membership criteria
 - Participation in SEQ activities
 11. Coordinated Emergency Response Measures (CERM) Conference/Test
 - Discussion of agenda and work program for preparation of the CERM Conference/Test to be held in May 1995 or September 1995
 12. Current Oil Market Situation
 13. Emergency Data System and Related Questions
 - Monthly Oil Statistics (MOS) to end July 1994
 - MOS to end August 1994
 - MOS to end September 1994
 - MOS to end October 1994
 - Base Period Final Consumption (BPFC) Q393-Q294
 - BPFC Q493-Q394
 - Revised Questionnaires A and B
 - Quarterly Oil Forecast Q494-Q395
 14. Emergency Response Issues Related to Oil Product and Refining Issues
 - Aviation Fuel
 - Outline of Joint SEQ/Standing Group on the Oil Market study on product specifications and related issues
 - Mission report on the 5th International Conference on Stability and Handling of Liquid Products
 15. Communications Test
 - Report on test by the Secretariat
 16. Policy and Legislative Developments in Member Countries
 - Energy Policy and Conservation Act (U.S.)
 - Other Country Developments
 17. IEA Dispute Settlement Centre: Panel of Arbitrators
 - Note by the Secretariat
 18. Any other Business
- As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation

Act (42 U.S.C. 6272(c)(1)(A)(ii)), this meeting is open only to representatives of members of the IAB and their counsel, representatives of members of the SEQ, representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of the Congress, the IEA, and the European Commission, and invitees of the IAB, the SEQ or the IEA.

Issued in Washington, D.C., January 17, 1995.

Robert R. Nordhaus,

General Counsel.

[FR Doc. 95-1642 Filed 1-20-95; 8:45 am]

BILLING CODE 6450-01-P

Office of Energy Efficiency and Renewable Energy

Advisory Committee on the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency, Open Meeting

Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is hereby given of the following meeting:

Name: Advisory Committee on the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies.

Date and Time: January 26, 1995, 7:00 p.m.-10 p.m.

Place: The Marriott Crystal Gateway Hotel, 1700 Jefferson Davis Highway, Arlington, VA, 22202

Contact: Thomas W. Sacco, Office of Technical Assistance (EE-542), Energy Efficiency and Renewable Energy, U.S. Department of Energy, Washington, DC 20585, Telephone 202/586-0759.

Purpose of Committee: To advise the Secretary of Energy on the development of the solicitation and evaluation criteria for commercialization ventures, and on otherwise carrying out her responsibilities under the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Pub. L. 101-218, 42 U.S.C. 12005), as amended by the Energy Policy Act of 1992 (Pub. L. 102-486, 42 U.S.C. 13201).

Tentative Agenda: Briefings and discussions of:

- Review of DOE options for hiring a financial intermediary for program implementation;
- Formulation of Committee recommendations to DOE concerning financial intermediaries;
- Other matters requiring Committee consideration;
- Public Comment Period (10 minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Thomas W. Sacco at the address or telephone number listed above.