

Prior to 1993, the DVA operated a DVA Medical Center at 3900 Loch Raven Boulevard in Baltimore. The new facility has substantially more square footage than the older medical center. The new facility also includes a retail store, a cafeteria, and vending machines that are operated by the Veterans Canteen Service (VCS).

By letter dated December 2, 1991, DORS applied to the DVA for a permit to operate a Randolph-Sheppard vending facility at the new VAMC in Baltimore. DORS followed up with two additional inquiries regarding the new medical center. Subsequently, DVA responded by letter dated April 6, 1992, denying the request for a permit. DVA's stated reason for denying the DORS' request for a permit was that its authorizing statute, 38 U.S.C. 8110(c), gave DVA the exclusive right to determine whether an activity, including vending facilities, at any of its medical centers would be performed by Federal or non-Federal personnel.

On June 24, 1992, DORS filed a complaint with the Secretary of the Department of Education requesting that an arbitration panel be convened. A hearing on this matter was held on July 19 and 20, 1993.

Arbitration Panel Decision

The arbitration panel in a majority opinion found that the Randolph-Sheppard Act applies to any and all Federal departments, agencies, and instrumentalities in control of any Federal property, citing 20 U.S.C. 107 *et seq.* and *Minnesota v. Riley*, 18 F.3d 606, 609 (8th Cir. 1994).

The panel ruled that the Randolph-Sheppard Act and its implementing regulations established a system under which the Secretary of Education promulgates and administers uniform procedures for the establishment of Randolph-Sheppard vending facilities. (20 U.S.C. 107(b)) The Act contains an "escape clause" allowing limitations on the placement of vending facilities, but only if the Secretary of Education specifically finds that the absence of such a limitation would adversely affect the interests of the United States. (20 U.S.C. 107(b)) The panel noted that the DVA has not applied for an exemption from any of the requirements of the Randolph-Sheppard Act.

DVA's argument was that it was not required to apply for such a limitation, citing its own statute, 38 U.S.C. 8110(c). However, the panel rejected this argument, citing *Minnesota v. Riley*, which ruled that the Congressional intent to apply the Randolph-Sheppard Act to the VCS is clear from the language of the Act. The panel further

stated that section 8110(c) was intended to limit contracting out of services directly related to patient care, not to preclude the issuance of permits for Randolph-Sheppard vending facilities.

Therefore, the panel ruled that the Randolph-Sheppard Act applies to Department of Veterans Affairs medical centers and that section 8110(c) does not exempt VAMC Baltimore from the Randolph-Sheppard Act's requirements.

Accordingly, in an unanimous award the arbitration panel ruled on May 5, 1994, that the parties should enter into negotiations whereby a permit would be issued to allow DORS and its licensed blind vendor or vendors to operate the retail store at VAMC. The parties were to agree upon a permit on or before June 1, 1994, which the panel would adopt as its final award. However, if a permit could not be agreed upon by June 1, 1994, then each party was instructed to submit a proposed permit to the panel on or before June 15, 1994. The proposed permit that received the majority approval of the panel would be adopted as the final award of the panel.

Following the May 5 panel award, DVA submitted a Motion for Reconsideration, which was subsequently denied by the panel. DORS then submitted to the panel its proposed permit in accordance with the May 5 award. In an order dated October 15, 1994, a majority of the panel adopted this proposed permit. The panel instructed DVA that, on or before October 20, 1994, it should turn over the operation of the retail store at VAMC Baltimore to DORS, effective January 1, 1995.

One panel member dissented regarding the denial of the Motion for Reconsideration and from the final award.

On January 3, 1995, the Maryland State Department of Education, Division of Vocational Rehabilitation sought relief in the United States District Court of Maryland against the Department of Veterans Affairs requesting enforcement of the final arbitration award directing DVA to permit a blind vendor to operate a retail store at the VAMC.

On August 17, 1995, the court found that the arbitration panel had no authority under the Act to order DVA to turn over the retail store to DORS.

Maryland State Department of Education, Division of Rehabilitation Services v. U.S. Department of Veterans Affairs, C.A. No. K-95-8 (D.MD. order entered 8-17-95). The court ruled that the panel's authority under the Act is limited to determining whether the agency's actions violated the Act. According to the court, the Act leaves

the responsibility for remedying violations to the Federal entity itself.

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

Dated: October 23, 1995.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95-26700 Filed 10-26-95; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation Policy

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and Government of Sweden concerning Peaceful Uses of Nuclear Energy, and the Additional Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea concerning Civil uses of Nuclear Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/KO(SW)-1, for the transfer of 18.905 kilograms of uranium containing 0.718 kilograms of the isotope uranium-235 (3.8 percent enrichment) from Sweden to Korea for fuel production.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, D.C. on October 23, 1996.

Edward T. Fei,

Deputy Director, International Policy and Analysis Division, Office of Arms Control and Nonproliferation.

[FR Doc. 95-26719 Filed 10-26-95; 8:45 am]

BILLING CODE 6450-01-P

**Chicago Operations Office
Determination for Non-Competitive
Financial Assistance Waste Policy
Institute**

AGENCY: Department of Energy.

ACTION: Notice of Noncompetitive
Financial Assistance Award.

SUMMARY: The Department of Energy (DOE), Chicago Operations Office, announces its intent to award a cooperative agreement on a non-competitive basis to the Waste Policy Institute (WPI). The objective of the work to be supported by this financial assistance award is to conduct independent research and analysis, model development, and prototype application and testing for advancing the state of knowledge and practice external involvement in decision making related to technology development and deployment. This is not a notice for solicitation of proposals or financial assistance applications.

ADDRESSES: Questions regarding this announcement may be addressed to the U.S. Department of Energy, Chicago Operations Office, 9800 S. Cass Ave., Argonne, IL 60439: Ms. Patricia J. Schuneman, Contracting Officer.

SUPPLEMENTARY INFORMATION: WPI intends to advance the state of knowledge and practice of external involvement in decision making related to technology development. WPI will (1) research and develop proactive strategies and models tailored to the issue of external involvement in technology development; (2) test prototype models; (3) develop and test strategies to more effectively communicate with stakeholders; and (4) conduct studies of external review process and develop and test models of external technical review. The project will benefit public and private agencies engaged in technology research and development, as well as affected stakeholders.

The criterion set forth at 10 CFR 600.7(b)(i)(A), is being relied upon to justify a noncompetitive award to WPI based on the subject application. This criterion authorizes noncompetitive awards when the activity to be funded is necessary to the satisfactory completion of, or is a continuation or renewal of, an activity presently being funded by DOE or another Federal agency, and for which competition for support would have a significant adverse effect on continuity or completion of the activity. WPI has been funded by the U.S. Department of Energy (under other cooperative agreements) and the U.S. Environmental Protection Agency to perform projects

focusing on enhancing stakeholder involvement in environmental decision-making over the last five years. During that period of time, WPI has developed an extensive network of ties and solid working relationships with major stakeholder organizations.

The project period for this financial assistance award is five years, and is expected to begin on or about November 15, 1995. The estimated cost for the project period is \$22,880,827.00, of which DOE plans to provide \$22,770,441.00.

Issued in Chicago, Illinois on October 18, 1995.

Charles G. Frazier,

*Branch Chief, Acquisition and Assistance
Group.*

[FR Doc. 95-26720 Filed 10-26-95; 8:45 am]

BILLING CODE 6450-01-P

**Federal Energy Regulatory
Commission**

**[Project No. 2232-303 North Carolina/South
Carolina]**

**Duke Power Company; Notice of
Availability of Draft Environmental
Assessment**

October 23, 1995.

In accordance with the National Environmental Policy Act 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) reviewed the application for the approval of a Shoreline Management Plan for the Catawba-Wateree Project. The project consists of 13 hydropower developments with 11 reservoirs having about 1500 miles of shoreline spread over a 200-mile reach of the Catawba-Wateree River system in North Carolina and South Carolina.

The staff of OHL's Division of Project Compliance and Administration prepared a Draft Environmental Assessment (DEA) for the proposed Shoreline Management Plan. In the DEA, the staff concludes that approving the licensee's plan would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Reference and Information Center, Room 2A, of the Commission's Offices at 888 First Street, NE, Washington, D.C. 20426.

Please file any comments on the DEA by November 9, 1995. Comments should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E.,

Washington, DC 20426. Please affix the project number to all comments. For further information, contact Brian Romanek at (202) 219-0076.

Lois D. Cashell,

Secretary.

[FR Doc. 95-26672 Filed 10-26-95; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2645-029, New York]

**Niagara Mohawk Power Corporation;
Notice of Availability of Draft
Environmental Assessment**

October 23, 1995.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new license for the Beaver River Project located in Herkimer and Lewis Counties, New York, and has prepared a Draft Environmental Assessment (DEA) for the project. In the DEA, the Commission's staff has analyzed the potential environmental impacts of the existing project and has concluded that approval of the project, with appropriate environmental protection or enhancement measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, Room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Any comments should be filed within 30 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please affix "Beaver River Project" to all comments. For further information, please contact Tom Camp at (202) 219-2832.

Lois D. Cashell,

Secretary.

[FR Doc. 95-26660 Filed 10-26-95; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2105-033 California]

**Pacific Gas & Electric Company;
Notice of Availability of Draft
Environmental Assessment**

October 23, 1995.

A draft environmental assessment (DEA) is available for public review. The DEA is for an application to amend the Upper North Fork Feather River