

Background

This dispute arose as the result of the revocation of Mr. Robert Smith's vending license by the Michigan Commission for the Blind, the State licensing agency (SLA). The SLA alleged that Mr. Smith failed to comply with several vending facility program rules governing the operation and administration of the Michigan Business Enterprise Program.

Mr. Smith had operated facilities in the SLA's vending facility program since May, 1987. His most recent assignment was the Mason Building Cafeteria, which he operated from September 1993 until his license revocation, which was effective June 16, 1995.

The SLA alleged that Mr. Smith failed to—(1) Furnish reports in a proper manner; (2) pay set-aside fees in a timely fashion by the required due date; (3) operate the facility in accordance with applicable health laws and rules; (4) cooperate with commission representatives in the performance of official duties and responsibilities; and (5) pay food suppliers in a timely manner in accordance with applicable credit policies.

On June 23, 1995, Mr. Smith filed a request with the SLA for a full evidentiary hearing stating that he had complied with all applicable rules and regulations concerning the Mason Building Cafeteria. A State fair hearing was held on January 4, 1996.

On January 19, 1996, an Administrative Law Judge (ALJ) recommended that, based on the hearing testimony, Mr. Smith's license not be revoked and that the SLA continue to assist him with respect to the deficiencies relating to the management and operation of the Mason Building Cafeteria.

By letter dated March 6, 1996, Mr. Smith was informed that the Michigan Commission for the Blind Board of Directors on February 19, 1996, rejected the recommendation of the ALJ that complainant's license not be revoked. This decision constituted final agency action.

Mr. Smith sought review of this decision by a Federal arbitration panel. A hearing on this case was held on August 1, 1996.

Arbitration Panel Decision

The issues before the arbitration panel were—(1) Whether the SLA's action in revoking Mr. Smith's license to operate the Mason Building Cafeteria was in accordance with the Randolph-Sheppard Act (the Act), implementing regulations, and State rules and

regulations; and (2) whether the SLA engaged in undue harassment and caused injury to the complainant by his license revocation and the closing of the cafeteria.

A majority of the panel ruled that Mr. Smith was in violation of the Act, implementing regulations, and State rules and regulations by reason of his failure to furnish reports as required and to pay set-aside fees. In addition, the majority of the panel found that Mr. Smith did not operate the facility in accordance with health laws and rules. Not only was he in violation of the laws administered by the county health department, but he failed to meet the health and safety standards of the SLA. Mr. Smith also failed to follow specific instructions concerning sanitation and disposal of waste products and to pay for merchandise in accordance with the terms of credit of his suppliers.

Further, the majority of the arbitration panel stated that the allegation of harassment had been carefully examined and found to be without merit. There had been no showing through testimony or evidence that Mr. Smith was treated disparately or that the rules were applied to him in an arbitrary or capricious manner.

The majority of the panel concluded that the SLA's action in revoking Mr. Smith's license was in accordance with the Act, the implementing regulations, and State rules and regulations and that Mr. Smith was not subjected to undue harassment in the operation of his facility.

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: July 23, 1997.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

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DEPARTMENT OF ENERGY

[FE Docket No. 97-36-NG]

Office of Fossil Energy; Coastal Gas Marketing Company; Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Coastal Gas Marketing Company (CGM)

long-term authorization to import up to 5 MMcf of natural gas of Canadian natural gas for a period of ten years, beginning on November 1, 1997, under the terms and conditions of a letter agreement dated February 20, 1997, with Ranger Oil Limited. This natural gas may be imported at Niagara Falls, New York, or at alternative border points with transportation facilities accessible by CGM.

This order is available for inspection and copying in the Office of Natural Gas & Petroleum Import and Export Activities docket room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., July 7, 1997.

Wayne E. Peters,

Manager, Natural Gas Regulation, Office of Natural Gas and Petroleum Import and Export Activities, Office of Fossil Energy.

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DEPARTMENT OF ENERGY

[FE Docket No. 97-41-NG]

Office of Fossil Energy; Coenergy Trading Company; Order Granting Long-Term Authorization To Export Natural Gas To Canada For Subsequent Re-Import To The United States

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued DOE/FE Order No. 1280 on June 20, 1997, granting CoEnergy Trading Company a ten-year authorization to export up to 80,000 Mcf per day (29.2 Bcf annually) to Canada for re-import to the United States. The term of the authorization is for a period commencing November 1, 1998, through October 31, 2008. This gas may be exported from the United States at the existing interconnection of TransCanada PipeLines Limited and Great Lakes Gas Transmission Limited Partnership near St. Clair, Michigan, and re-imported into the United States at the interconnection of the Trans Quebec and Maritimes Pipeline and the proposed Portland Natural Gas Transmission System near Pittsburg, New Hampshire.

This order is available for inspection and copying in the Office of Natural Gas & Petroleum Import and Export