

**DEPARTMENT OF DEFENSE****Department of the Navy****Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Acquisition of Lands and Establishment of Airspace Contiguous to the Marine Corps Air Ground Combat Center, Twentynine Palms, CA; Correction**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice; correction.

**SUMMARY:** The Department of the Navy published a document in the **Federal Register** on October 30, 2008, announcing its intent to prepare an Environmental Impact Statement for the Proposed Acquisition of Lands and Establishment of Airspace Contiguous to the Marine Corps Air Ground Combat Center, Twentynine Palms, California. The original publication contained incorrect dates.

**FOR FURTHER INFORMATION CONTACT:** Project Manager (Attn: Mr. Joseph Ross), Box 788104, Bldg. 1554, Rm. 138, MAGTFTC/MCAGCC, Twentynine Palms, CA 92278-8104; phone: 760-830-3764; e-mail: [SMBPLMSWEBPAO@usmc.mil](mailto:SMBPLMSWEBPAO@usmc.mil).

**Correction**

1. In the **Federal Register** of October 30, 2008, in FR Doc. E8-25845, on page 64604, in the second column, correct the **DATES** caption to read as follows:

**DATES:** All written, oral, or telephonic comments regarding the scope of issues that the Department of the Navy should consider during EIS preparation must be received before January 31, 2009. Three public scoping meetings have been scheduled and the meeting locations are as follows:

1. December 3, 2008, 5 p.m. to 9 p.m., Twentynine Palms, CA;
2. December 4, 2008, 5 p.m. to 9 p.m., Victorville, CA;
3. December 5, 2008, 5 p.m. to 9 p.m., Ontario, CA.

Dated: November 14, 2008.

**T.M. Cruz,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. E8-27693 Filed 11-20-08; 8:45 am]

**BILLING CODE 3810-FF-P**

**DEPARTMENT OF DEFENSE****Department of the Navy****Notice of Closed Meeting of the Chief of Naval Operations (CNO) Executive Panel**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The CNO Executive Panel will report on the findings and recommendations of the Subcommittee "The Navy & The Nation" to the Chief of Naval Operations. The matters to be discussed during the meeting are: Campbell-Ewald Advertising contract, Branding project, and marketing & recruiting methods; CNO's Engagement and long-range schedule. Each topic under each of these headings relates solely to the internal personnel rules and practices of the agency; discloses privileged/confidential trade secrets, commercial, and financial information; pertains to the CNO's classified "SECRET" long-range schedule, and discusses information the premature disclosure of which would be likely to significantly frustrate the fair bidding process for a major DON contract which makes this information exempt from open meeting disclosure pursuant to 5 U.S.C. sections 552b(c)(1) and (4).

**DATES:** The meeting will be held on December 15, 2008, from 9 a.m. to 11 a.m.

**ADDRESSES:** The meeting will be held at Center for Naval Analyses (CNA), Room 1A01, 4825 Mark Center Drive, Alexandria, VA 22311.

**FOR FURTHER INFORMATION CONTACT:** LCDR Eric Taylor, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311, telephone: 703-681-4909.

**SUPPLEMENTARY INFORMATION:** Pursuant to the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), these matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive Order.

Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because they will be concerned with matters listed in sections 552b(c)(1) and (4) of title 5, United States Code.

Individuals or interested groups may submit written statements for consideration by the Chief of Naval Operations Executive Panel at any time

or in response to the agenda of a scheduled meeting. All requests must be submitted to the Designated Federal Officer at the address detailed below. If the written statement is in response to the agenda mentioned in this meeting notice then the statement, if it is to be considered by the Panel for this meeting, must be received at least five days prior to the meeting in question.

The Designated Federal Officer will review all timely submissions with the Chief of Naval Operations Executive Panel Chairperson, and ensure they are provided to members of the Chief of Naval Operations Executive Panel before the meeting that is the subject of this notice. To contact the Designated Federal Officer, write to Executive Director, CNO Executive Panel (N00K), 4825 Mark Center Drive, 2nd Floor, Alexandria, VA 22311-1846.

Dated: November 14, 2008.

**T.M. Cruz,**

*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. E8-27694 Filed 11-20-08; 8:45 am]

**BILLING CODE 3810-FF-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:** The Department of Education (Department) gives notice that, on August 28, 2008, an arbitration panel rendered a decision in the matter of *Teresa Alcorn v. Kentucky Office for the Blind, Case no. R-S/07-3*. This panel was convened by the Department under 20 U.S.C. 107d-1(a), after the Department received a complaint filed by the petitioner, Teresa Alcorn.

**FOR FURTHER INFORMATION CONTACT:** You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 5022, Potomac Center Plaza, Washington, DC 20202-2800. *Telephone:* (202) 245-7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** Under section 6(c) of the Randolph-Sheppard Act (the 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

Ms. Teresa Alcorn (Complainant) alleged violations by the Kentucky Office for the Blind (formerly, Department for the Blind), the state licensing agency (SLA), of the Act and the implementing regulations in 34 CFR part 395. Specifically, Complainant alleged that the SLA improperly administered the Randolph-Sheppard Vending Facility Program as provided by the Act and implementing regulations concerning her license termination as a vending facility manager of a vending machine route in Bowling Green, Kentucky.

Since May 1997, Complainant was a licensed vendor in the Kentucky Randolph-Sheppard Vending Facility Program managing a vending facility at the Bowling Green Technical College (Technical College). In November 2001, in addition to the Technical College facility, Complainant began managing a vending route consisting of five locations. They included: Kentucky Advanced Technology Institute, Warren County Justice Center, Warren County Courthouse, Department of Human Resources in the Sears Building, and the Federal Courthouse.

From 2002 until 2005, the SLA alleged it had received numerous complaints from building employees and management regarding Complainant's failure to satisfactorily stock the vending machines on her vending machine route resulting in molded and out-dated products being sold in the vending machines and causing customers to purchase spoiled and inedible products. Also, the SLA alleged that Complainant failed to stock some vending machines. Subsequently, on June 15, 2005, the SLA terminated Complainant's vending operator's license.

Thereafter, Complainant requested a state fair hearing. The administrative hearing was scheduled for October 24–27, 2005. However, the hearing was postponed twice in order for Complainant to retain new counsel. A state fair hearing on this matter was held on March 27, 2006. On June 28, 2006, the Hearing Office affirmed the SLA's decision to terminate Complainant's vending operator's license. On July 31, 2006, the SLA

adopted the Hearing Officer's decision as final agency action.

It was this decision Complainant sought review of by a federal arbitration panel. According to the arbitration panel, the issue to be resolved was: Whether the actions taken by the Kentucky Office for the Blind concerning Complainant's license termination were in accord with the Act, implementing regulations, and state rules and regulations.

### Arbitration Panel Decision

After reviewing all of the records and hearing testimony of witnesses, the panel majority affirmed Complainant's license termination and ruled that the SLA had established that Complainant violated the Act by not operating her vending machine route in accordance with the rules and regulations as prescribed by the SLA.

Further, the panel majority found that the Complainant was not provided a written notice by Certified Mail regarding the complaints against her, nor did Complainant have an opportunity to respond to the allegations. While holding that both of these due process errors were in violation of the SLA's own rules and regulations, the panel majority ruled that, under the facts of the case, no additional damages would be awarded to Complainant for those procedural due process errors.

Two panel members concurred with the panel majority, but dissented from the majority regarding the due process issues of notification and lack of opportunity for Complainant to respond.

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

### Electronic Access to This Document

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO

Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: November 18, 2008.

**Tracy R. Justesen,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. E8–27745 Filed 11–20–08; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Discretionary Grant Programs

**AGENCY:** Department of Education.

**ACTION:** Notice of final discretionary grant priorities for fiscal year 2009.

**SUMMARY:** The Secretary announces the continued use—in fiscal year (FY) 2009—of priorities that the Department of Education (Department) previously established for use in any discretionary grant program competition in FY 2007 and FY 2008. We take this action in order to continue to focus Federal financial assistance on expanding the number of programs and projects that support activities in areas of greatest educational need. We are continuing the use of these priorities on a Department-wide basis so that Department offices can use one or more of them in any discretionary grant competition, as appropriate.

**DATES:** *Effective Date:* These priorities are effective for use in FY 2009 on January 20, 2009.

**FOR FURTHER INFORMATION CONTACT:** Margo K. Anderson, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W311, Washington, DC 20202–5910. *Telephone:* (202) 205–3010 or by *e-mail:* [Margo.Anderson@ed.gov](mailto:Margo.Anderson@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

### SUPPLEMENTARY INFORMATION:

We published a notice of intent to use certain discretionary grant priorities in FY 2009 (Notice of Proposed Action) in the **Federal Register** on August 27, 2008 (73 FR 50601). In the Notice of Proposed Action, we proposed to use the priorities in the following areas, which had been established for use in FY 2007 and FY 2008 only, for discretionary grant competitions in FY 2009:

1. *Mathematics*
2. *Science*
3. *Critical-Need Languages*
4. *Secondary Schools*
5. *Professional Development for Secondary School Teachers*
6. *School Districts with Schools in Need of Improvement, Corrective Action, or Restructuring*