

Dated: August 8, 1997.

L.M. Bynum,

*Alternate, OSD Federal Liaison Officer,
Department of Defense.*

[FR Doc. 97-21432 Filed 8-13-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on September 2, 1997; September 9, 1997; September 16, 1997; September 23, 1997; and September 30, 1997; at 10:00 in Room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92-463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301-4000.

Dated: August 6, 1997.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-21433 Filed 8-13-97; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Army

Environmental Assessment (EA) and Finding of No Significant Impact (FNSI) for the Relocation of Military Traffic Management Command (MTMC) CONUS Command Headquarters to Fort Eustis, Virginia

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: In accordance with Pub. L. 101-510, the Defense Base Closure and Realignment Act of 1990, the Defense Base Closure and Realignment Commission recommended the closure of Military Ocean Terminal, Bayonne, New Jersey, and the Oakland Army Base, California, and relocation of MTMC Western Area and MTMC Eastern Area Headquarters to a location to be determined by the Army. The U.S. Army selected Fort Eustis, Virginia, as the preliminary site.

An Environmental Assessment (EA) examined the proposed transfer of 472 positions (approximately 35 military and 437 civilians) to Fort Eustis, Virginia, and the associated construction of the administrative facility. Plans for relocation include renovating existing space in Buildings 661 and construction of a 34,900 square foot addition.

MTMC CONUS Command Headquarters would be the sole occupant of the unified structure. Personnel currently working in the selected building will be permanently relocated to building 662. It is anticipated that 139 civilian personnel will transfer with their positions.

The EA found that no significant adverse environmental impacts would occur as a result of the proposed action. Therefore, based on the analysis found in the EA, which was incorporated into the FNSI, it has been determined that implementation of the proposed action will not have significant individual or cumulative impacts on the quality of the natural or human environment. Because no significant environmental impacts will result from implementation of the proposed action, an Environmental Impact Statement is not required and will not be prepared.

DATES: Public comments will be accepted for 30 days following publication of this Notice of Availability before the Army proceeds with the proposed action.

ADDRESSES: Copies of the EA/FNSI may be obtained by writing to, and any inquiries and comments concerning the same should be addressed to Mr. Richard Muller, U.S. Army Corps of Engineers, Norfolk District, ATTN: CENAO-PL-R, 803 Front Street, Norfolk, VA 23510-1096.

FOR FURTHER INFORMATION CONTACT:

Questions regarding this FNSI may be directed to the U.S. Army Corps of Engineers, ATTN: Mr. Richard Muller, at 757-441-7767.

Dated: August 8, 1997.

Richard E. Newsome,

Acting Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I,L&E).

[FR Doc. 97-21441 Filed 8-13-97; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for the Draft Environmental Impact Statement (DEIS) on the Disposal and Reuse of the Former Fitzsimons Army Medical Center, Now U.S. Army Garrison-Fitzsimons (USAG-F), Aurora, Colorado

AGENCY: Department of the Army, DoD.

ACTION: Notice of Availability.

SUMMARY: The proposed action evaluated by this DEIS is the disposal of USAG-F, Aurora, Colorado, in accordance with the Defense Base Closure and Realignment Act of 1990, Public Law 101-510. The DEIS addresses the environmental consequences of the disposal and subsequent reuse of the 577-acre installation except for a 21.8 acre enclave for the McWhethy Army Reserve Center.

The DEIS analyzes three disposal alternatives: (1) The No Action Alternative, which entails maintaining the property in caretaker status after closure; (2) the Encumbered Disposal Alternative, which entails transferring the property to future owners with Army-imposed limitations, or encumbrances, on the future use of the property; and (3) the Unencumbered Disposal Alternative, which entails transferring the property to future owners with fewer or no Army-imposed limitations, or encumbrances, on the future use of the property. The impacts of reuse are evaluated in terms of land use intensities. The Fitzsimons Redevelopment Authority developed the reuse alternatives. The resource areas evaluated for potential impacts by the proposed action (disposal) and the secondary action (reuse) include: Land use; climate; air quality; noise; geology, soils, and topography; water resources; infrastructure; regulated substances; biological resources and ecosystems; cultural resources; sociological environment; quality of life; installation agreements, and permits and regulatory authorizations.

A public scoping meeting was held at the Fitzsimons Community Club on September 25, 1996. Public notices requesting input and comments from

the public were issued in the regional area surrounding the USAG-F.

Copies. Copies of the DEIS will be available for review at the Aurora Central Public Library, Aurora, CO and USAG-F, Aurora, CO.

DATES: Written public comments and suggestions received within 45 days of the publication of the Environmental Protection Agency's Notice of Availability for this action will be addressed in the Final Environmental Impact Statement.

ADDRESSES: Copies of the DEIS can be obtained by writing to the U.S. Army Corps of Engineers, Omaha District Office, ATTN: Mr. Gene Sturm, 215 North 17th Street, Omaha, NE 68102-4978, or by facsimile at (402) 221-4886. Written comments and suggestions should be sent to this address.

Dated: August 8, 1997.

Richard E. Newsome,

Acting Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 97-21442 Filed 8-13-97; 8:45 am]

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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: Notice is hereby given that on May 28, 1996, an arbitration panel rendered a decision in the matter of *Leslie Lessard v. Washington Department of Services for the Blind* (Docket No. R-S/95-6). This panel was convened by the U. S. Department of Education pursuant to 20 U.S.C. 107d-1(a), upon receipt of a complaint filed by petitioner, Leslie Lessard.

FOR FURTHER INFORMATION CONTACT: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U. S. Department of Education, 600 Independence Avenue, S.W., Room 3230, Mary E. Switzer Building, Washington DC 20202-2738. Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard 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

In 1978, after completing training, Leslie Lessard, complainant, was assigned to operate a vending facility at the Jackson Federal Building in Seattle, Washington, for a six-month period while the vendor at that location was away pursuing additional education.

In 1984, complainant learned of an opportunity to operate several vending machines at other Federal facilities in the Seattle area, including the Terminal Annex Building of the U.S. Postal Service. Mr. Lessard discussed with the Washington Department of Services for the Blind, the State licensing agency (SLA), the possibility of the SLA obtaining a permit to operate these vending machines. The SLA informed the complainant that, if a permit were to be obtained to operate the vending machines, complainant would need to supply the machines. The SLA secured the permit and subsequently the complainant purchased vending machines for the various locations.

In 1988, the complainant began informal discussions with the SLA concerning the SLA's purchase of the complainant's vending machines. On January 9, 1989, the complainant sent a letter to the SLA outlining an alleged agreement with it to purchase his vending machines. By letters dated May 3 and October 3, 1989, the SLA responded. The SLA acknowledged its awareness of the purchase option available to it, but stated that, due to lack of funds, it would be unable to purchase all of the machines.

By letter dated December 12, 1989, the SLA requested that the complainant provide it with invoices for two vending machines. In early 1990, the SLA purchased six machines from Mr. Lessard. Subsequently, by letter dated August 24, 1992, the complainant offered for sale to the SLA his remaining machines and equipment. By letter dated May 20, 1994, the SLA waived its purchase option. On September 24, 1994, a requested State fair hearing was held concerning this matter. A decision was rendered on April 24, 1995, by an Administrative Law Judge (ALJ).

The ALJ ruled that there was no contract between the complainant and the SLA for the sale of the machines, notwithstanding complainant's assertion of an existing oral agreement between himself and the SLA. The ALJ further ruled that the agreement in a transaction of this nature must be in writing and signed by the person against whom enforcement is being sought. The SLA adopted the ALJ's decision as final

agency action. Mr. Lessard sought review of this decision by a Federal arbitration panel. A hearing of this case was held on May 28, 1996.

Arbitration Panel Decision

The issue before the arbitration panel was whether, pursuant to 20 U.S.C. 107 *et seq.* of the Randolph-Sheppard Act, the SLA had a contractual obligation to purchase Mr. Lessard's vending machines.

The majority of the panel ruled that the SLA never entered into an oral or written contractual agreement to acquire Mr. Lessard's vending machines. The majority of the panel further determined that the complainant and the SLA had never reached an understanding as to what would be purchased, when, or for how much, and, therefore, there was no meeting of the minds or agreement that was enforceable by law. According to the panel, the SLA had merely agreed to purchase vending machines from the complainant on a case-by-case basis as funds were available. Finally, the panel noted that Washington State law requires that a contract for the sale of goods with a value of more than \$500 must be in writing and that the statute was applicable with respect to this complaint because the goods at issue were valued at more than \$500. Therefore, the majority of the panel denied complainant's claim in its entirety.

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: August 8, 1997.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 97-21437 Filed 8-13-97; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OA97-645-000]

Bangor Hydro-Electric Company; Notice of Filing

August 8, 1997.

Take notice that on July 14, 1997, Bangor Hydro-Electric Company (Bangor) tendered for filing pursuant to Order No. 888-A Bangor's Pro Forma Open Access Transmission Tariff compliance filing.