

**Arbitration Panel Decision**

After hearing testimony and reviewing all of the evidence, the panel issued its ruling. On issue number one, the panel found that the selection committee convened in 2006 to select a manager for Vending Facility 495 was required to determine each candidate's labor percentage for the previous two years.

However, the panel concluded that the problem with implementation of the 2006 rule was that neither the Complainant nor the other candidate had a labor percentage goal for 2005. In order to remedy the two year requirement, the selection committee decided to apply the Complainant's and the other candidate's labor goals in 2006 to their vending facilities in 2005, thus providing a labor percentage for the two-year period.

The arbitration panel found that this action of the selection committee was not patently unfair or an abuse of discretion and thus was not in violation of state rules and regulations or the Act and implementing regulations.

Regarding issue number two, the panel determined that the record reflected complaints about the successful candidate's performance at prior facilities. However, the evidence heard by the panel did not indicate that the SLA or any of its staff arbitrarily removed documentation from the successful candidate's file or failed to submit records in his vending operator file to the selection committee. Thus, based upon testimony of the selection committee members that they were aware of the successful candidate's problems at prior facilities, the arbitration panel ruled that the successful candidate's problems occurred several years earlier and his lack of problems and his improvement over recent years merited the level of scoring that he received from the selection committee.

Concerning issue number three, the panel found that there was no dispute that the grantor of Vending Facility 495 did not serve on the selection committee. Based on the evidence heard by the panel, the grantor was contacted via e-mail by the SLA and indicated that he believed he was invited to serve on the selection committee, but the grantor did not recall why he did not attend. The Complainant interpreted the grantor's lack of attendance to mean that the grantor was not invited by the SLA to participate on the selection committee in violation of the OAC.

However, the panel in considering the hearing record as a whole determined

that the Complainant did not meet his minimum burden of proof on this issue.

Finally, regarding issue number four, the panel found no violations of the Act, implementing regulations under the Act, or the state rules and regulations. Thus, the panel denied Complainant's grievance.

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

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Dated: February 2, 2011.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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**BILLING CODE 4000-01-P**

**DEPARTMENT OF ENERGY****National Coal Council; Meeting**

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the National Coal Council (NCC) Coal Policy Committee. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Tuesday, February 22, 2011. 10 a.m. to 2 p.m.

**ADDRESSES:** Hilton Hotel at the Ballpark, One South Broadway, St. Louis, Missouri 63102.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Ducker, U.S. Department of Energy; 4G-036/Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-1290; Telephone: 202-586-7810.

**SUPPLEMENTARY INFORMATION:**

**Purpose of Meeting:** To provide a review by the Committee of the final draft of the current study underway by the Council on the deployment of carbon capture and storage technologies.

**Agenda:** Review of the previously described draft report.

**Public Participation:** The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any potential items on the agenda, you should contact Michael J. Ducker, 202-586-7810 or [Michael.Ducker@hq.doe.gov](mailto:Michael.Ducker@hq.doe.gov) (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

**Minutes:** The NCC will prepare meeting minutes within 45 days of the meeting. The minutes will be posted on the NCC Web site at <http://www.nationalcoalcoalcouncil.org/>.

Issued at Washington, DC, on February 1, 2011.

**LaTanya R. Butler,**

*Acting Deputy Committee Management Officer.*

[FR Doc. 2011-2587 Filed 2-4-11; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF ENERGY****Office of Energy Efficiency and Renewable Energy****Energy Efficiency and Renewable Energy Advisory Committee (ERAC)**

**AGENCY:** Department of Energy, Office of Energy Efficiency and Renewable Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** The purpose of the ERAC is to provide advice and recommendations to the Secretary of Energy on the research, development, demonstration, and deployment priorities within the field of energy efficiency and renewable energy. The Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, requires that agencies publish notice of an advisory committee meeting in the **Federal Register**.

**DATES:** Wednesday, March 2, 2011, 9 a.m.-3 p.m.

**ADDRESSES:** Capitol Skyline Hotel, 10 I Street, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** [erac@ee.doe.gov](mailto:erac@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:**

**Purpose of Meeting:** To provide advice and recommendations to the