

process Complainant's permit application. On December 9, 2009, DVA's Regional Counsel denied Complainant's request to process the permit application.

The DVA's position was that it properly denied the Complainant's application for two reasons. One, the Clinic did not support a vending facility because of its scattered buildings, and two, the DVA was not obligated to ensure the Clinic supported a vending facility. Specifically, the DVA's position was that the regulations requiring a satisfactory site or sites for the location and operation of a vending facility by a blind vendor under certain circumstances did not apply to the Clinic because the DVA has operated the clinic since 1949 and its buildings contain fewer than 15,000 square feet of interior space and house less than 100 Federal employees during normal working hours.

Complainant filed a request for Federal arbitration with the Department. A hearing on this matter was held on April 13 and 14, 2011. The issue as determined by the arbitration panel was "whether the Department of Veterans Affairs violated the Randolph-Sheppard Act by denying the request to process the permit application of the Oregon Commission for the Blind for a permit to operate the Clinic vending machines."

#### Arbitration Panel Decision

After reviewing all of the testimony and evidence, the panel found that the Clinic is a single facility and that its vending machines are part and parcel of that facility. The panel noted that the parties' differing interpretations stem from the fact that regulations in 34 CFR, part 395, do not specifically address a State licensing agency's (SLA's) permit application covering a building that was not new or renovated after January 1, 1975. The panel determined that, in cases of statutory ambiguity, "regulations must be interpreted in a way that will serve the objectives of the statute and reasonably be consistent with the statute."

The panel first determined that the purpose of the Act clearly is to enlarge economic opportunities of the blind. The panel then recognized that section 395.31 of the regulations attempts to implement this statutory purpose through the satisfactory site requirements. The panel also considered the last sentence in 395.31(e) to be relevant, although it did not apply directly to the facts in this case. This section provides that nothing in section 395.31 precludes an SLA and a Federal property managing department from

agreeing to a vending facility even if the site does not meet minimum requirements under the satisfactory site provisions.

The panel found that the DVA's position of strictly interpreting the regulations "contradicts section 107 [of the Act] by restricting and thwarting opportunities for the blind." Accordingly, the panel found that: (1) The priority provisions of the Randolph-Sheppard Act applied to the Clinic; (2) The DVA improperly denied Complainant's application for a permit to operate vending machines at the Clinic; and (3) the existing Clinic vending machines are not exempted from the Award and Order.

One panel member dissented. This panel member found that the Clinic buildings constructed or substantially modified after January 1, 1975, are exempt from the Randolph-Sheppard Act by application of the minimum standards of 34 CFR 395.31(d). This panel member also determined that the remaining Clinic buildings existing on January 1, 1975, that were not substantially renovated since that date are exempt from the priority provisions of the Act. Thus, the DVA was justified in declining Complainant's application for a permit to place vending machines at the Clinic.

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

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Dated: January 24, 2012.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2012-1822 Filed 1-26-12; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### President's Board of Advisors on Historically Black Colleges and Universities

**AGENCY:** U.S. Department of Education, President's Board of Advisors on Historically Black Colleges and Universities (Board).

**ACTION:** Notice of an open meeting.

**SUMMARY:** This notice sets forth the schedule and agenda of the meeting of the President's Board of Advisors on Historically Black Colleges and Universities. The notice also describes the functions of the Board. Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and intended to notify the public of its opportunity to attend.

**DATES:** Tuesday, February 7, 2012.

*Time:* 9 a.m.–2 p.m.

**ADDRESSES:** Morgan State University, Calvin and Tina Tyler Ballroom, University Student Center, 1700 E. Cold Spring Lane, Baltimore, Maryland 21251, (443) 885-4369.

**FOR FURTHER INFORMATION CONTACT:** John Silvanus Wilson, Jr., Executive Director, White House Initiative on Historically Black Colleges and Universities, 400 Maryland Avenue SW., Washington, DC 20204; telephone: (202) 453-5634, fax: (202) 453-5632.

**SUPPLEMENTARY INFORMATION:** The President's Board of Advisors on Historically Black Colleges and Universities (the Board) is established by Executive Order 13532 (February 26, 2010). The Board is governed by the provisions of the Federal Advisory Committee Act (FACA), (Pub. L. 92-463; as amended, 5 U.S.C.A., Appendix 2) which sets forth standards for the formation and use of advisory committees. The purpose of the Board is to advise the President and the Secretary of Education (Secretary) on all matters pertaining to strengthening the educational capacity of Historically Black Colleges and Universities (HBCUs).

The Board shall advise the President and the Secretary in the following areas: (i) Improving the identity, visibility, and distinctive capabilities and overall competitiveness of HBCUs; (ii) engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives; (iii) improving the ability of HBCUs to remain fiscally secure institutions that can assist the nation in reaching its goal of having the highest proportion of

college graduates by 2020; (iv) elevating the public awareness of HBCUs; and (v) encouraging public-private investments in HBCUs.

**Agenda:**

The Board will receive updates from the Chairman of the President's Board of Advisors on HBCUs, the Board's subcommittees and the Executive Director of the White House Initiative on HBCUs on their respective activities during Fiscal Year 2011 including activities that have occurred since the Board's last meeting, which was held on September 21, 2011. In addition, the Board will discuss the federal government's support of HBCUs in Fiscal Year 2010, the budget outlook for federal support in Fiscal Year 2012 and possible strategies to meet its duties under its charter.

Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistive listening devices, or material in alternative format) should notify John P. Brown, Associate Director, White House Initiative on HBCUs, at (202) 453-5645, no later than Friday, February 3, 2012. We will attempt to meet requests for such accommodations after this date, but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

An opportunity for public comment is available on Tuesday, February 7, 2012, from 1:30 p.m.–2 p.m. Individuals who wish to provide comments will be allowed three to five minutes to speak. Those members of the public interested in submitting written comments may do so by submitting them to the attention of John S. Wilson, Jr., White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202, by Friday, February 3, 2012.

Records are kept of all Board proceedings and are available for public inspection at the office of the White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202, Monday through Friday (excluding federal holidays) during the hours of 9 a.m. to 5 p.m.

**Electronic Access to the Document:** You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: [www.ed.gov/fedregister/index.html](http://www.ed.gov/fedregister/index.html). 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-(866) 512-1830; or in the Washington, DC, area at (202) 512-0000.

Dated: January 24, 2012.

**Martha J. Kanter,**

*Under Secretary, U.S. Department of Education.*

[FR Doc. 2012-1824 Filed 1-26-12; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PF09-11-000]

#### TransCanada Alaska Company, LLC; Notice of Public Scoping Meeting for the Planned Alaska Pipeline Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) hereby announces a public scoping meeting in Anchorage, Alaska, for the planned Alaska Pipeline Project (APP). The meeting will take place at:

Date and time	Location
Monday, February 13, 2012, 7 p.m.	Dena'ina Center, Kahtu Room, 600 West 7th Avenue, Anchorage, AK 99501.

This meeting was previously cancelled on January 4, 2012, because TransCanada Alaska Company, LLC (TC Alaska) had not filed its draft Resource Reports, which we deemed necessary to properly evaluate and comment on this unique and complex project. On January 13, 2012, TC Alaska filed its draft Resource Reports, thereby allowing us to reschedule this scoping meeting.

More information about the Commission's environmental impact statement, the APP, and how to file comments is available in the *Notice of Intent to Prepare an Environmental Impact Statement for the Planned Alaska Pipeline Project and Request for Comments on Environmental Issues* (NOI), issued on August 1, 2011. The NOI describes the scoping process that is underway seeking public participation in the environmental review of this planned project. Please note that the scoping period for the APP will close on February 27, 2012.

Dated: January 20, 2012.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2012-1732 Filed 1-26-12; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13089-002]

#### Conway Ranch Hydropower Project; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On July 27, 2011, KC LLC, California, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Conway Ranch Hydropower Project to be located on Virginia Creek, near the city of Mono, Mono County, California. The project affects federal lands administered by the Bureau of Land Management. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following new facilities: (1) A diversion on Virginia Creek (notched weir design); (2) a de minimus reservoir operated run-of-river at approximately 8,800 feet elevation above mean sea level; (3) a 2-mile-long, 8-inch-diameter pressurized pipe connecting the reservoir to a powerhouse; (4) a powerhouse containing a single turbine totaling 500 kilowatts of generating capacity; and (5) an approximately 360-foot-long transmission line connecting with the existing Southern California Edison secondary distribution facilities. The project's annual energy output would be approximately 2.3 gigawatthours.

**Applicant Contact:** Ms. Kelly Sackheim, KC LLC, 5096 Cocoa Palm Way, Fair Oaks, CA 95628; phone (301) 401-5978.

**FERC Contact:** Carolyn Templeton; phone: (202) 502-8785.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web