

The Louisiana Department of Natural Resources will be consulted regarding consistency with the Coastal Zone Management Act. The Louisiana Department of Wildlife and Fisheries will be contacted concerning potential impacts to Natural and Scenic Rivers and Streams. The Louisiana Department of Environmental Quality will review the action for consistency with applicable laws regarding the discharge of dredged material as it relates to impacting water quality and will provide the State of Louisiana Water Quality Certification.

d. *Environmental Consultation and Review.* The U.S. Fish and Wildlife Service (USFWS) will be assisting in the documentation of existing conditions and assessment of effects of project alternatives through Fish and Wildlife Coordination Act consultation procedures. Consultation will be accomplished with the USFWS and the National Marine Fisheries Service (NMFS) concerning threatened and endangered species and their critical habitat. The NMFS will be consulted on the effects of this proposed action on Essential Fish Habitat. The DSEIS or a notice of its availability will be distributed to all interested agencies, organizations, and individuals.

4. Public scoping meetings are to be scheduled throughout the DSEIS preparation period. Based on available funding the tentative meeting locations will be Baton Rouge, Lafayette and St. Martinsville, LA. Exact dates and meeting facility will be announced by public notice at a later date. The purpose of the scoping meeting is to provide the agencies and the interested public with the initial conceptual designs, known preliminary designs and other designs under consideration for the proposed management unit project for the Buffalo Cove Management Unit and issues concerning its construction and operation. If determined to be feasible and appropriate for implementation (based upon the determinations of the operational effectiveness of the BCMU) scoping meetings will also provide the agencies and the interested public with the initial conceptual designs, preliminary designs known and designs under consideration for the proposed for the conditionally authorized management units and issues concerning their construction and operation. These scoping meetings will be sequenced such that the data stream from the ongoing monitoring (associated with the 10 elements in the BCMU) can be utilized to assist in the formulation and design of elements planned for the three conditionally authorized management units. The scoping process,

more importantly, will provide the opportunity to solicit public views on the proposed action and provide input to development of project alternatives. The initial scoping meetings will focus on the Buffalo Cove Management Unit (including the operational success of the ten elements described in EA No. 366, modification of those ten elements and construction of new elements for the Buffalo Cove Management Unit) and preliminary discussions of problems and possible alternatives for the three conditionally authorized management units. As additional information is available on the operational effectiveness of the monitored EA No. 366 elements and as the existing conditions and potential management alternatives for the conditionally authorized management units are better defined, the agenda of the scoping meetings will be expanded to address the feasibility of implementing the conditionally authorized management units.

5. *Estimated Date of Availability.* Funding levels will dictate the date when the DSEIS is available. The earliest that the DSEIS is expected to be available is in the fall of 2012.

Dated: July 18, 2005.

**Richard P. Wagenaar,**  
Colonel, U.S. Army, District Engineer.  
[FR Doc. 05-15298 Filed 8-2-05; 8:45 am]  
**BILLING CODE 3710-84-P**

## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services; Overview Information; Rehabilitation Training; Rehabilitation Long-Term Training; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.129L, P, and Q.

**DATES:** *Applications Available:* August 3, 2005.

*Deadline for Transmittal of Applications:* September 19, 2005.

*Deadline for Intergovernmental Review:* November 16, 2005.

*Eligible Applicants:* States and public or nonprofit agencies and organizations, including Indian tribes and institutions of higher education.

*Estimated Available Funds:* The Administration has requested \$38,826,000 for the Rehabilitation Training program for FY 2006, of which we intend to use an estimated \$700,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are

inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

*Estimated Range of Awards:* \$75,000–\$100,000.

*Estimated Average Size of Awards:* \$87,500.

*Maximum Award:* We will reject any application that proposes a budget exceeding \$75,000 for Undergraduate Education in the Rehabilitation Services (84.129L) and \$100,000 for Specialized Personnel for Rehabilitation of Individuals Who Are Blind or Have Vision Impairment (84.129P) and Rehabilitation of Individuals Who Are Deaf or Hard of Hearing (84.129Q) for a single budget period of 12 months. The Assistant Secretary for the Office of Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

*Estimated Number of Awards:* 8.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

## Full Text of Announcement

### I. Funding Opportunity Description

*Purpose of Program:* The Rehabilitation Long-Term Training program provides financial assistance for—

(1) Projects that provide basic or advanced training leading to an academic degree in areas of personnel shortages in rehabilitation as identified by the Assistant Secretary;

(2) Projects that provide a specified series of courses or program of study leading to award of a certificate in areas of personnel shortages in rehabilitation as identified by the Assistant Secretary; and

(3) Projects that provide support for medical residents enrolled in residency training programs in the specialty of physical medicine and rehabilitation.

*Priorities:* In accordance with 34 CFR 75.105(b)(2)(ii), these priorities are from the regulations for this program (34 CFR 386.1).

*Absolute Priorities:* For FY 2006 these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that propose to provide training in the priority areas of personnel shortages listed in the following chart.

CFDA number	Priority Area (Maximum Number of Awards in Parentheses)
84.129L ..	Undergraduate Education in the Rehabilitation Services (5).

CFDA number	Priority Area (Maximum Number of Awards in Parentheses)
84.129P	Specialized Personnel for Rehabilitation of Individuals Who Are Blind or Have Vision Impairment (2).
84.129Q	Rehabilitation of Individuals Who Are Deaf or Hard of Hearing (4).

**Program Authority:** 29 U.S.C. 772.

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, and 99. (b) The regulations for this program in 34 CFR parts 385 and 386.

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

## II. Award Information

**Type of Award:** Discretionary grants.

**Estimated Available Funds:** The Administration has requested \$38,826,000 for the Rehabilitation Training program for FY 2006, of which we intend to use an estimated \$700,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

**Estimated Range of Awards:** \$75,000–\$100,000.

**Estimated Average Size of Awards:** \$87,500.

**Maximum Award:** We will reject any application that proposes a budget exceeding \$75,000 for Undergraduate Education in the Rehabilitation Services (84.129L) and \$100,000 for Specialized Personnel for Rehabilitation of Individuals Who Are Blind or Have Vision Impairment (84.129P) and Rehabilitation of Individuals Who Are Deaf or Hard of Hearing (84.129Q) for a single budget period of 12 months. The Assistant Secretary for the Office of Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

**Estimated Number of Awards:** 8.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** Up to 60 months.

## III. Eligibility Information

1. **Eligible Applicants:** States and public or nonprofit agencies and

organizations, including Indian tribes and institutions of higher education.

2. **Cost Sharing or Matching:** Cost sharing of at least 10 percent of the total cost of the project is required of grantees under the Rehabilitation Training program (34 CFR 386.30).

**Note:** Under 34 CFR 75.562(c), an indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. Indirect costs in excess of the eight percent limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

## IV. Application and Submission Information

1. **Address to Request Application Package:** Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.129L, P, and Q.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, Potomac Center Plaza, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

2. **Content and Form of Application Submission:** Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 50 pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the

application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. **Submission Dates and Times:** Applications Available: August 3, 2005.

**Deadline for Transmittal of Applications:** September 19, 2005.

Applications for grants under this competition must be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-Grants system. For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. **Other Submission Requirements** in this notice.

We do not consider an application that does not comply with the deadline requirements.

**Deadline for Intergovernmental Review:** November 16, 2005.

4. **Intergovernmental Review:** This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. **Funding Restrictions:** We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. **Other Submission Requirements:** Applications for grants under this competition must be submitted electronically, unless you qualify for an exception to this requirement in accordance with the instructions in this section.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and

submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

*a. Electronic Submission of Applications.*

Applications for grants under the Rehabilitation Training; Rehabilitation Long-Term Training program—CFDA Number 84.129L, P, and Q must be submitted electronically using e-Application available through the Department's e-Grants system, accessible through the e-Grants portal page at: <http://e-grants.ed.gov>.

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30 p.m., Washington, DC time, on the application deadline date. The e-Application system will not accept an application for this competition after 4:30 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- The regular hours of operation of the e-Grants Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until midnight Saturday, Washington, DC time. Please note that the system is unavailable on Sundays, and between 7 p.m. on Wednesdays and 6 a.m. on Thursdays, Washington, DC time, for maintenance. Any modifications to these hours are posted on the e-Grants Web site.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- Any narrative sections of your application must be attached as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format.

- Your electronic application must comply with any page limit requirements described in this notice.

- Prior to submitting your electronic application, you may wish to print a copy of it for your records.

- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).

- Within three working days after submitting your electronic application, fax a signed copy of the ED 424 to the Application Control Center after following these steps:

- (1) Print ED 424 from e-Application.

- (2) The applicant's Authorizing Representative must sign this form.

- (3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the ED 424.

- (4) Fax the signed ED 424 to the Application Control Center at (202) 245-6272.

- We may request that you provide us original signatures on other forms at a later date.

*Application Deadline Date Extension in Case of e-Application System Unavailability:*

If you are prevented from electronically submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

- (1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

- (2)(a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

- (b) The e-Application system is unavailable for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1-888-336-8930. If the system is down and therefore the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-

Application. Extensions referred to in this section apply only to the unavailability of the Department's e-Application system.

*Exception to Electronic Submission Requirement:*

You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the e-Application system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Department's e-Application system; and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Marilyn P. Fountain, U.S. Department of Education, 400 Maryland Avenue, SW., room 5028, Potomac Center Plaza, Washington, DC 20202-2800. FAX: (202) 245-7591.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

*b. Submission of Paper Applications by Mail.*

If you qualify for any exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

*By mail through the U.S. Postal Service:* U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.129L, P, and Q), 400 Maryland Avenue, SW., Washington, DC 20202-4260; or

*By mail through a commercial carrier:* U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.129L, P, and Q), 7100 Old Landover Road, Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

#### *c. Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.129L, P, and Q), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and 34 CFR 386.20 and are listed in the application package.

2. *Review and Selection Process:* Additional factors we consider in selecting an application for an award are the geographical distribution of projects in each Rehabilitation Training program category throughout the country (see 34 CFR 385.33(a)) and the past performance of the applicant in carrying out similar training activities under previously awarded grants, as indicated by factors such as compliance with grant conditions, soundness of programmatic and financial management practices, and attainment of established project objectives (see 34 CFR 385.33(b)).

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. *Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of their programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals. The Rehabilitation Long-Term Training program is designed to provide academic training in areas of personnel shortages.

The goal of the Rehabilitation Services Administration's (RSA) Rehabilitation Long-Term Training program is to increase the number of qualified vocational rehabilitation personnel working in State vocational rehabilitation agencies or related agencies. At least seventy-five percent of all grant funds must be used for direct payment of student scholarships. Each grantee is required to track students receiving scholarships and must maintain information on the cumulative support granted to RSA scholars, scholar-debt in years, program completion data for each scholar, dates each scholar's work begins and is completed to meet his or her payback agreement, current home address, and the place of employment of individual scholars.

Grantees are required to report annually to RSA on these data using the RSA Grantee Reporting Form, OMB# 1820-0617, an electronic reporting system. The RSA Grantee Reporting Form collects specific data regarding the number of RSA scholars entering the rehabilitation workforce, in what rehabilitation field, and in what type of employment (e.g. State agency, nonprofit service provider, or practice group). This form allows RSA to measure results against the goal of increasing the number of qualified vocational rehabilitation personnel working in State vocational rehabilitation agencies or related agencies.

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Marilyn P. Fountain, U.S. Department of Education, 400 Maryland Avenue, SW., room 5028, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7346 or by e-mail: [Marilyn.Fountain@ed.gov](mailto:Marilyn.Fountain@ed.gov).

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, audiotope, or computer diskette) on request to the program contact person listed in this section.

## VIII. Other Information

*Electronic Access to This 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: <http://www.ed.gov/news/fedregister>.

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: July 28, 2005.

**John H. Hager,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 05-15254 Filed 8-2-05; 8:45 am]

**BILLING CODE 4000-01-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 gives notice that on November 9, 2004, an arbitration panel rendered a decision in the matter of *Arland Stratton v. Illinois Department of Human Services, Office of Rehabilitation Services (Docket No. R-S/03-1)*. This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d-1(a), after the Department received a complaint filed by the petitioner, Arland Stratton.

**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 in the preceding paragraph.

**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

This dispute concerns the alleged improper termination of Mr. Arland Stratton's vending license as a blind licensee under the Randolph-Sheppard vending facility program by the Illinois Department of Human Services, Office of Rehabilitation Services, the State licensing agency (SLA), in violation of the Act (20 U.S.C. 107 *et seq.*), the implementing regulations in 34 CFR part 395, and State rules and regulations.

A summary of the facts is as follows: Mr. Arland Stratton (complainant) operated Vending Facility #451 (Facility #451) at the Illinois Prairie Rest Area, I-57 in Champaign, Illinois, until April 1, 2002, when his vending license was terminated.

Previously, on March 28, 2002, complainant alleged that he reported to his business counselor at the SLA during the counselor's onsite visit to Facility #451 that a possible bookkeeping error may have resulted in his using program assets for personal use. Upon complainant's disclosure of the alleged bookkeeping error, the business counselor informed the SLA's Director of the Business Enterprise Program (BEP). The Director of the BEP instructed the business counselor to do a complete inventory of Facility #451 and to remove the keys from complainant's possession.

Complainant further alleged that the SLA's termination of his vending operator's license and removal from Facility #451 occurred without first providing him with an opportunity for a full evidentiary hearing, in violation of the Act and implementing regulations.

The SLA alleged that complainant, as a blind vendor, had been licensed, trained, and certified in the operation and management of vending facilities in the Illinois BEP. The SLA also stated that complainant was aware of the policies governing vending facilities and, in particular, the rules concerning use of program funds for personal use.

The SLA further alleged that in August 2001 the complainant's business counselor found him to be deficient in financial management practices and his paperwork to be unorganized. In January 2002, complainant received a written reprimand for a second violation of a State rule regarding accounting procedures. On March 19, 2002, the complainant's business counselor scheduled a financial audit. At the time of the audit, the business counselor alleged that complainant provided incomplete and incorrect paperwork, and the vendor was given one week to provide all of the correct information.

Following termination of his vending license, complainant filed for an administrative hearing. The hearing was held on June 10, 2002. In a decision dated July 8, 2002, the hearing officer affirmed the SLA's decision to terminate complainant's vending license and removal from Facility #451. The SLA adopted the hearing officer's decision as final agency action, and complainant sought review of that decision by a Federal arbitration panel.

### Arbitration Panel Decision

The issues heard by the panel were: (1) Did the SLA violate 20 U.S.C. 107 *et seq.*, the implementing regulations in 34 CFR part 395, and its own regulations in allegedly improperly terminating the vendor's operating license and removing him from Facility #451, and (2) Did the SLA violate Federal law by removing the complainant as the vendor of Facility #451 and terminating his license before providing him with a full evidentiary hearing in those decisions?

After reviewing all of the records and hearing testimony of witnesses, the panel ruled as follows: On the first issue, the panel ruled that the Federal regulations in 34 CFR 395.7(b) provide for the termination of a vendor's license *after* an SLA has afforded the vendor a full evidentiary hearing and must be applied as written. The panel concluded that a vendor's license could not be terminated before a State fair hearing was held. However, the panel noted that the SLA's authority to remove complainant from his facility was not in question as distinguishable from terminating his vending license.

Concerning the second issue, the panel ruled that the termination of complainant's vending license was not consistent with the rehabilitative purposes of the Act to provide training and additional services to blind licensees.

Finally, the panel was divided on the appropriate remedy. The majority of the panel ruled that complainant's license must be restored, and, upon successful completion of a retraining program, complainant was to be placed in a suitable location with provisions for follow-up supervision and training by the SLA. The panel further ruled that, since the SLA had not previously collected the outstanding debt from complainant, it should be forgiven allowing him to begin anew.

One panel member concurred with the majority decision on the finding of a violation but dissented in part regarding the appropriate remedy, believing that complainant was entitled to lost wages, compensatory relief, and attorney's fees.