

proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. ED invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: April 23, 2002.

**John D. Tressler,**

*Leader, Regulatory Information Management,  
Office of the Chief Information Officer.*

#### **Office of Elementary and Secondary Education**

*Type of Review:* Revision.

*Title:* Indian Education Formula Grants to Local Educational Agencies (LEAs).

*Abstract:* Application for funding under the Indian Education Formula Grant Program to Local Educational Agencies. The application is used to determine applicant eligibility, amount of award, and appropriateness of project services for Indian students to be served. The application also includes the Indian Student Eligibility Certification Form that LEAs have parents complete to certify Indian student eligibility for the program.

*Additional Information:* The Department requests an emergency clearance for the Formula Grants to Local Educational Agencies (LEAs) Application (CFDA #84.060A) by May 10, 2002. Two new provisions in the No Child Left Behind Act necessitate the revision of the existing information collection. One is the authority for LEAs, under Section 716 Integration of Services, to consolidate all funds for any Federal program exclusively serving Indian children or the funds reserved under any Federal program to exclusively serve Indian children under a statutory or administrative formula. The second new requirement in the legislation imposes a five percent limit on the use of grant funds for administrative costs. The program annually funds approximately 1,270 LEAs from July 1 to June 30. An emergency clearance is requested so that the revised applications may be completed and received from

participating LEAs in time for the Department to process their funding by July 1. In our view, harm to the public would thus occur if this clearance is not approved in time.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 1,270.

Burden Hours: 25,825.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting "Browse Pending Collections" and clicking on link number. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202-4651 or to the e-mail address [vivian.reese@ed.gov](mailto:vivian.reese@ed.gov). Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her Internet address [Kathy.Axt@ed.gov](mailto:Kathy.Axt@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 02-10286 Filed 4-25-02; 8:45 am]

BILLING CODE 4000-01-P

## **DEPARTMENT OF EDUCATION**

[CFDA No.: 84.144]

### **Migrant Education Program (MEP) Consortium Incentive Grants program**

**ACTION:** Notice inviting applications for new awards for fiscal year 2002.

*Purpose of Program:* The purpose of the FY 2002 MEP Consortium Incentive Grants program is to provide incentive grants to State educational agencies (SEAs) that participate in consortium arrangements with another State or appropriate entity to improve the delivery of services to migrant children whose education is interrupted.

*Eligible Applicants:* SEAs receiving MEP Basic State Formula grants.

*Applications Available:* April 26, 2002.

*Deadline for Transmittal of Applications:* June 3, 2002.

*Deadline for Intergovernmental Review:* August 2, 2002.

*Available Funds:* \$2,300,000.

*Estimated Range of Awards:* \$25,000-\$75,000.

*Estimated Average Size of Awards:* \$57,500.

*Estimated Number of Awards:* 40.

*Project Period:* Up to 27 months.

**SUPPLEMENTARY INFORMATION:** The Migrant Education Program (MEP) is authorized under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (Pub. L. 107-110). The MEP provides financial assistance to States to support high-quality and comprehensive educational programs so that migrant children are provided with appropriate educational and supportive services that (1) address their special needs in a coordinated and efficient manner, and (2) give migrant children the opportunity to meet challenging State content and student performance standards.

Section 1308(d) of the ESEA authorizes the Secretary to provide competitive incentive grants to SEAs that participate in consortium arrangements with another State or appropriate entity to improve the delivery of services to migrant children. Section 1308(d) also limits the size of each of these grants to not more than \$250,000. For the FY 2002 competition, the Secretary plans to reserve \$2.3 million for consortium incentive grant awards.

Through this notice the Secretary announces requirements and procedures to govern the competition for FY 2002 grant funds. So that existing consortia relationships that were established under the ESEA as previously authorized may be maintained and funded without disruption of services for migrant students, the Secretary has decided to announce these requirements and procedures at this time without first providing the public an opportunity for review and comment. Except for the new statutory requirement in Section 1308(d) that the consortium arrangements improve the delivery of services to migrant students whose education is interrupted, the requirements and procedures for the upcoming FY 2002 competition are the same as the Secretary has used for competitions conducted under the ESEA as previously authorized.

### **Waiver of Proposed Rulemaking**

Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, in order to make

timely grant awards in FY 2002, the Secretary has decided to issue these final requirements without first publishing them as proposals for public comment. These requirements will apply to the FY 2002 grant competition only. The Secretary takes this action under section 437(d)(1) of the General Education Provisions Act.

At a later date the Secretary plans to publish a notice of proposed requirements for this program and offer interested parties the opportunity to comment. The proposed requirements (or more specifically, the final requirements resulting from them) would apply to grant competitions under the program beginning in FY 2003.

### Requirements and Procedures To Govern the FY 2002 Grant Competition

The Secretary will award consortium incentive grants for FY 2002 under section 1308(d) to SEAs that propose to form a consortium with another State or entity and demonstrate in accordance with section 1303(d)(3) of the ESEA that doing so will—

- a. Reduce administrative costs or program function costs for State MEP programs; and
- b. Make more MEP funds available for direct services to add substantially to the welfare or educational attainment of children to be served.

In addition, section 1308(d) requires that SEAs receiving grants form consortia to improve the delivery of services to migrant students whose education has been interrupted.

### Applicable Definitions

For purposes of this program, “administrative or program function costs” include all costs that an SEA or its local operating agencies pay from MEP funds to support MEP activities other than direct educational or support services for migrant children. Administrative and program function costs include the costs of general program administration paid from funds reserved under section 1004 of ESEA as well as the costs of other, program-specific administrative activities, such as identification and recruitment; interstate, intrastate, and interagency coordination; and parent advisory councils. The term “direct educational or support services” means any instructional or support activities provided directly to migrant children, as well as training of instructional or support staff who provide instructional or support services directly to migrant children.

In addition, for purposes of section 1308(d) the term “other appropriate

entity” can mean any public or private agency or organization.

### Application Requirements

A single SEA may be part of more than one consortium arrangement. However, consistent with the provisions in section 1303(d) of the ESEA, for the FY 2002 competition each consortium arrangement that the Secretary approves must separately decrease the amount of MEP administrative or program function costs in total for the participating SEAs and, conversely, increase the amount of MEP funds available for direct services to migrant children in total for the participating SEAs. An SEA will submit the information that the Department needs in order to review the SEA’s consortium arrangement and determine the size of the SEA’s consortium incentive grant.

### Amount of Incentive Grants

Each SEA with one or more consortium arrangements that the Secretary determines meet the criteria announced in this notice, and whose consortium arrangements increase the amount of MEP funds available for direct services to migrant children in its State, will receive one incentive award. In determining the size of an SEA’s award, the Secretary will rank SEAs seeking incentive grants on the basis of the total percentage increase in MEP funds that the SEA will make available for direct services to migrant children in its State as a result of the SEA’s participation in the consortium arrangements, as compared to the level of direct services that would be made available to migrant children in the State in the absence of the consortium.

*Example 1:* SEA A has one consortium arrangement that increases the amount of funds available for direct services in State A by ten percent, while SEA B has two consortium arrangements that increase the total amount of funds available for direct services in State B by eight percent. SEA A would be ranked higher than SEA B even if SEA B’s consortium arrangements permit more total funds to be used for direct services.

*Example 2:* SEA C and SEA D participate together in one consortium, and this consortium is the only one in which each SEA participates. If the amount available for direct services increases in total across the two States due to their participation in the consortium, but the amount available for direct services in State C does not increase, the consortium arrangement will be approved, but only State D, and not State C, will receive an incentive grant.

From the information that an SEA submits, the Secretary will calculate, for each State, the total percentage increase in MEP funds available for direct

services as a result of all the approved consortium arrangements in which the applicant SEA participates. The Secretary will then rank these percentages in descending order and divide the distribution into thirds (that is, into terciles). Each SEA ranked in the highest third of the distribution will receive an incentive grant that is three times the size of the grant received by each SEA ranked in the lowest third, while each SEA ranked in the middle third will receive an incentive grant that is twice the size of that provided to each SEA ranked in the lowest third. Within each third, grant awards will be of equal size, except that adjustments will be made so that no consortium incentive grant will be greater than \$250,000 or 100 percent of the amount of funds awarded to the SEA under its formula grant allocation, whichever is less.

### Use of Consortium Incentive Grant Funds

An SEA may use incentive grant funds awarded under section 1308(d) of the ESEA only to provide direct services to migrant children. These funds are in addition to, and not in place of, the funds awarded under the MEP formula grant.

### Applicable Regulations

In view of the process that the Secretary proposes to use to obtain information on proposed SEA consortium arrangements, and the criteria it proposes to use to determine, by formula, the amount of the consortium incentive grant that each applicant SEA will receive, the regulations in 34 CFR part 75 (Direct Grant Programs) of the Education Department General Administrative Regulations (EDGAR) do not apply. Instead, the consortium incentive grant program will be administered, like the MEP itself, under the provisions of 34 CFR parts 76, 77, 79, 80, 82 and 85 of EDGAR.

*For Applications and Further Information Contact:* To obtain a copy of the application or to obtain information on the program, call or write James English, U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, 400 Maryland Ave., SW., Room 3E315, FOB6, Washington, DC 20202-6135. Telephone: (202) 260-1394. Inquiries may be sent by e-mail to [james.english@ed.gov](mailto:james.english@ed.gov) or by FAX at (202) 205-0089. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339. A copy of the application can be obtained

electronically at: <http://www.ed.gov/GrantApps>.

Individuals who use a telecommunications device for the deaf (TDD) may call may call the Federal Information Relay Service (FIRS) 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 contact person listed in the preceding paragraph.

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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 toll free at 1-888-293-6498; or in the Washington, DC area at 202-512-1530.

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**Program Authority:** 20 U.S.C. 6398(d).

Dated: April 22, 2002.

**Susan B. Neuman,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 02-10357 Filed 4-25-02; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### National Center for Education Statistics (NCES)

**AGENCY:** U.S. Department of Education.

**ACTION:** Notice of meeting of the Advisory Council on Education Statistics.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics (ACES). Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATES:** May 23-24, 2002.

**TIMES:** May 23, 2002—Full Council meeting, 9 a.m.-4:30 p.m.; May 24, 2002—Full Council meeting 9 a.m.-1.

**LOCATION:** Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Laurence T. Ogle, National Center for Education Statistics, 1990 K Street, NW., Room 9115, Washington, DC 20006

**SUPPLEMENTARY INFORMATION:** The Advisory Council on Education Statistics (ACES) is established under section 46(c)(1) of the Education Amendments of 1974, Public Law 93-380. The Council is established to review general policies for the operation of the National Center for Education Statistics (NCES) in the Office of Educational Research and Improvement (OERI) and is responsible for advising on standards to ensure that statistics and analyses disseminated by NCES are of high quality and are not subject to political influence. In addition, ACES is required to advise the Commissioner of NCES and the National Assessment Government Board on technical and statistical matters related to the National Assessment of Educational Progress (NAEP). This meeting of the Council is open to the public, with the exception of budget discussions. Individuals who will need accommodations for a disability in order to attend the meeting (i.e., interpreting services, assistive listening devices, materials in alternate format) should notify Laurence T. Ogle at (202) 502-7426 by no later than May 15, 2002. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities. The proposed agenda includes the following:

- Review of Division activity within NCES.
- Legislative and budget updates.
- Ethics training.
- New NCES Standards.
- Adult literacy standards.

Records are kept of Council proceedings and are available for public inspection. Records are also available for public inspection at the Office of the Acting Executive Director, Laurence T. Ogle, Advisory Council on Education Statistics, National Center for Education Statistics, 1900 K Street, NW., Room 9115, Washington, DC 20006.

**Grover J. Whithurst,**

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 02-10258 Filed 4-25-02; 8:45 am]

**BILLING CODE 4000-01-M**

## DEPARTMENT OF ENERGY

### National Energy Technology Laboratory

#### Notice of Availability of a Financial Assistance Solicitation

**AGENCY:** National Energy Technology Laboratory, Department of Energy (DOE).

**ACTION:** Notice of Availability of a Financial Assistance Solicitation.

**SUMMARY:** Notice is hereby given of the intent to issue Financial Assistance Solicitation No. DE-PS26-02NT15376 entitled "Advanced Technology Development by Independents for High Risk Domains." The Department of Energy (DOE) National Energy Technology Laboratory (NETL), on behalf of its National Petroleum Technology Office (NPTO), seeks applications for cost-shared development and demonstration projects using advanced technologies that address specific high risk domains in the United States. The proposed project can address a technical risk that impacts the technology's full acceptance by the independents working in one of three areas; the shallow shelf Gulf of Mexico, Alaska and the Rocky Mountain Frontier. Or the proposed project can address the critical problems associated with exploration of these regions. The goal is to provide technical solutions to issues that are limiting domestic on-shore or off-shore oil exploration and production by independent oil producing companies while providing the same or higher levels of environmental protection expected under the law.

Applications will either address: (1) Existing Fields—established production areas of the Gulf of Mexico and Alaska and Rocky Mountain Frontier regions, or (2) Exploration—in the very complicated environments of the Gulf of Mexico and Alaska and Rocky Mountain Frontier regions.

**DATES:** The solicitation will be available on the DOE/NETL's Internet address at <http://www.netl.doe.gov/business> and on the "Industry Interactive Procurement System" (IIPS) webpage located at <http://e-center.doe.gov> on or about April 30, 2002.

**FOR FURTHER INFORMATION CONTACT:** Keith R. Miles, Department of Energy, National Energy Technology Laboratory, P.O. Box 10940, MS 921-107, Pittsburgh, PA 15236, E-mail Address: [miles@netl.doe.gov](mailto:miles@netl.doe.gov), Telephone Number: 412-386-5984.

**SUPPLEMENTARY INFORMATION:** The mission of the Department of Energy's