

collecting data on the MEP Program have been revised accordingly. The

chart below displays the relationship among the data groups for students.

Type of MEP student	Type of MEP count		
	12-month	Regular school year	Summer/ intersession
Eligible	634 (SEA)	110 (school)	
Served (no Schoolwide)	636 (SEA)	637 (SEA)
Eligible and Served	635 (SEA)

Are the revised definitions and comments sufficient to describe the data that should be collected?

(5) School Operational Status—The data group School Operational Status (ID 531) has the following permitted values: Open, closed, new, added, changed agency, inactive, future school, reopened. Is a new permitted value needed for restructured under NCLB? Do SEAs create new schools when a school is restructured under NCLB? Are new state school identification numbers assigned when a school is restructured under NCLB? Do schools that are restructured under NCLB met the definition of open which is “no significant change in instructional levels and programs?”

(6) GEPA—As discussed in Attachment B–4, the General Education Provisions Act (GEPA), Section 424 mandates reporting on the distribution of federal education funds to school districts and other entities, such as libraries, colleges and universities, state agencies, individual schools and private recipients. In the past, the data for the GEPA report has been collected through a separate collection. For the GEPA report on FYs 2006 and 2007, the data will be obtained for state administered grants to LEAs through ED*Facts*. How will this change impact SEAs? What must ED do to make this transition successful? How should ED collect data on state administered grants that do not go to SEAs or LEAs?

(7) Reading NCLB State Assessments—ED*Facts* collects data on participation and results of NCLB state assessments. Data is collected on mathematics, reading, and science. The data on participation is collected in one file (N/X081) using permitted values to differentiate between the academic subjects. The data on the results of NCLB state assessments is collected in separate files. For mathematics and science, the participation file has one permitted value for each and both have one file to collect the results of state assessments. For reading, the participation file has three permitted values and the results of state assessments are collected using three

files. The three values and files are entitled reading, reading/language arts, and language arts. Can the reading participation and results of state assessments be collected using only one permitted value (reading) and one file (reading)?

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Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@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. 07–2354 Filed 5–10–07; 8:45 am]

BILLING CODE 4001–01–P

DEPARTMENT OF EDUCATION

William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice of the annual updates to the Income Contingent Repayment (ICR) plan formula for 2007.

SUMMARY: The Secretary announces the annual updates to the ICR plan formula for 2007. Under the William D. Ford Federal Direct Loan (Direct Loan) Program, borrowers may choose to repay their student loans (Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct Consolidation Loans) under the ICR plan, which bases the repayment

amount on the borrower’s income, family size, loan amount, and interest rate. Each year, we adjust the formula for calculating a borrower’s payment to reflect changes due to inflation. This notice contains the adjusted income percentage factors for 2007, examples of how the calculation of the monthly ICR amount is performed, a constant multiplier chart for use in performing the calculations, and charts showing sample repayment amounts based on the adjusted ICR plan formula. The adjustments for the ICR plan formula contained in this notice are effective from July 1, 2007 to June 30, 2008.

FOR FURTHER INFORMATION CONTACT: Don Watson, U.S. Department of Education, room 114I2, UCP, 400 Maryland Avenue, SW., Washington, DC 20202–5400. Telephone: (202) 219–7037.

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 under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Direct Loan Program borrowers may choose to repay their Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct Consolidation Loans under the ICR plan. The attachments to this notice provide updates to examples of how the calculation of the monthly ICR amount is performed, the updated income percentage factors, a constant multiplier chart for use in calculating the monthly ICR amount, and charts showing sample repayment amounts for single and married borrowers.

We have updated the income percentage factors to reflect changes based on inflation. We have revised the table of income percentage factors by changing the dollar amounts of the incomes shown by a percentage equal to the estimated percentage change in the Consumer Price Index for all urban consumers from December 2006 to December 2007. Further, we provide

examples of monthly repayment amount calculations and two charts that show sample repayment amounts for single and married or head-of-household borrowers at various income and debt levels based on the updated income percentage factors.

The updated income percentage factors, at any given income, may cause a borrower's payments to be slightly lower than they were in prior years. This updated amount more accurately reflects the impact of inflation on a borrower's current ability to repay.

Electronic Access to This Document

You may review 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/federegister>.

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>.

Program Authority: 20 U.S.C. 1087 *et seq.*

Dated: May 8, 2007.

Theresa S. Shaw,

Chief Operating Officer, Federal Student Aid.

Attachment—Examples of the Calculations of Monthly Repayment Amounts

Example 1. This example assumes you are a single borrower with \$15,000 in Direct Subsidized and/or Unsubsidized Loans, the interest rate being charged is 6.80 percent, and you have an adjusted gross income (AGI) of \$36,251. (The 6.80 percent interest rate used in this example is a fixed interest rate that is charged on all Direct Subsidized Loans and Direct Unsubsidized Loans first disbursed on or after July 1, 2006. Different interest rates apply to Direct Subsidized Loans and Direct Unsubsidized Loans first disbursed before July 1, 2006, and to Direct PLUS Loans and Direct Consolidation Loans. Your actual interest rate may be less than or greater than 6.80 percent.)

Step 1: Determine your annual payments based on what you would pay over 12 years using standard amortization. To do this, multiply your loan balance by the constant multiplier for an interest rate of 6.80 percent (0.122130). The constant multiplier is a factor used to calculate amortized payments at a given interest rate over a fixed period of time. You can view the constant multiplier chart

at the end of this notice to determine the constant multiplier that you should use for the interest rate on your loan. If your exact interest rate is not listed, use the next highest rate for estimation purposes.

- $0.122130 \times \$15,000 = \$1,831.95$

Step 2: Multiply the result of Step 1 by the income percentage factor shown in the income percentage factors table that corresponds to your income and then divide the result by 100 (if your income is not listed in the income percentage factors table, calculate the applicable income percentage factor by following the instructions under the *Interpolation* heading later in this notice):

- $88.77 \times \$1,831.95 \div 100 = \$1,626.22$

Step 3: Determine 20 percent of your discretionary income (your discretionary income is your AGI minus the U.S. Department of Health and Human Services (HHS) Poverty Guideline amount for your family size). Because you are a single borrower, subtract the poverty level for a family of one, as published in the **Federal Register** on January 24, 2007 (72 FR 3147), from your AGI and multiply the result by 20 percent:

- $\$36,251 - \$10,210 = \$26,041$
- $\$26,041 \times 0.20 = \$5,208.20$

Step 4: Compare the amount from Step 2 with the amount from Step 3. The lower of the two will be your annual payment amount. In this example, you will be paying the amount calculated under Step 2. To determine your monthly repayment amount, divide the annual amount by 12.

- $\$1,626.22 \div 12 = \135.52

Example 2. In this example, you are married. You and your spouse have a combined AGI of \$68,504 and are repaying your loans jointly under the ICR plan. You have no children. You have a Direct Loan balance of \$10,000, and your spouse has a Direct Loan balance of \$15,000. Your interest rate is 6.80 percent.

Step 1: Add your and your spouse's Direct Loan balances together to determine your aggregate loan balance:

- $\$10,000 + \$15,000 = \$25,000$

Step 2: Determine the annual payment based on what you would pay over 12 years using standard amortization. To do this, multiply your loan balance by the constant multiplier for 6.80 percent interest (0.122130). You can view the constant multiplier chart at the end of this notice to determine the constant multiplier that you should use for the interest rate on your loan. If your exact interest rate is not listed, use the next highest rate for estimation purposes.

- $0.122130 \times \$25,000 = \$3,053.25$

Step 3: Multiply the result of Step 2 by the income percentage factor shown in the income percentage factors table that corresponds to your and your spouse's income and then divide the result by 100 (if your and your spouse's aggregate income is not listed in the income percentage factors table, calculate the applicable income percentage factor by following the instructions under the *Interpolation* heading later in this notice):

- $109.40 \times \$3,053.25 \div 100 = \$3,340.26$

Step 4: Determine 20 percent of your discretionary income. To do this, subtract the poverty level for a family of two, as published in the **Federal Register** on January 24, 2007 (72 FR 3147), from your combined AGI and multiply the result by 20 percent:

- $\$68,504 - \$13,690 = \$54,814.00$
- $\$54,814.00 \times 0.20 = \$10,962.80$

Step 5: Compare the amount from Step 3 with the amount from Step 4. The lower of the two will be your annual payment amount. You and your spouse will pay the amount calculated under Step 3. To determine your monthly repayment amount, divide the annual amount by 12.

- $\$3,340.26 \div 12 = \278.36

Example 3. This example assumes you are a single borrower with \$15,000 in Direct Subsidized and/or Unsubsidized Loans, the interest rate being charged is 8.25 percent, and you have an AGI of \$28,860. (The 8.25 percent interest rate used in this example is the maximum interest rate that may be charged for all Direct Subsidized Loans and Direct Unsubsidized Loans that were first disbursed before July 1, 2006. Different interest rates apply to Direct Subsidized Loans and Direct Unsubsidized Loans first disbursed on or after July 1, 2006, and to Direct PLUS Loans and Direct Consolidation Loans. Your actual interest rate may be lower.)

Step 1: Determine your annual payments based on what you would pay over 12 years using standard amortization. To do this, multiply your loan balance by the constant multiplier for 8.25 percent interest (0.131545). The constant multiplier is a factor used to calculate amortized payments at a given interest rate over a fixed period of time. You can view the constant multiplier chart at the end of this notice to determine the constant multiplier that you should use for the interest rate on your loan. If your exact interest rate is not listed, use the next highest rate for estimation purposes.

- $0.131545 \times \$15,000 = \$1,973.18$

Step 2: Multiply the result of Step 1 by the income percentage factor shown in the income percentage factors table that corresponds to your income and then divide the result by 100 (if your income is not listed in the income percentage factors table, calculate the applicable income percentage factor by following the instructions under the *Interpolation* heading later in this notice):

- $80.33 \times \$1,973.18 \div 100 = \$1,585.06$

Step 3: Determine 20 percent of your discretionary income (your discretionary income is your AGI minus the HHS Poverty Guideline amount for your family size). Because you are a single borrower, subtract the poverty level for a family of one, as published in the **Federal Register** on January 24, 2007 (72 FR 3147), from your AGI and multiply the result by 20 percent:

- $\$28,860 - \$10,210 = \$18,650$
- $\$18,650 \times 0.20 = \$3,730$

Step 4: Compare the amount from Step 2 with the amount from Step 3. The lower of the two will be your annual payment amount. In this example, you will be paying the amount calculated under Step 2. To

determine your monthly repayment amount, divide the annual amount by 12.

- $\$1,585.06 \div 12 = \132.09

Example 4. In this example, you are married. You and your spouse have a combined AGI of \$54,680 and are repaying your loans jointly under the ICR plan. You have no children. You have a Direct Loan balance of \$10,000, and your spouse has a Direct Loan balance of \$15,000. Your interest rate is 8.25 percent.

Step 1: Add your and your spouse's Direct Loan balances together to determine your aggregate loan balance:

- $\$10,000 + \$15,000 = \$25,000$

Step 2: Determine the annual payment based on what you would pay over 12 years using standard amortization. To do this, multiply your aggregate loan balance by the constant multiplier for 8.25 percent interest (0.131545). You can view the constant multiplier chart at the end of this notice to determine the constant multiplier that you should use for the interest rate on your loan. If your exact interest rate is not listed, use the next highest rate for estimation purposes.

- $0.131545 \times \$25,000 = \$3,288.63$

Step 3: Multiply the result of Step 2 by the income percentage factor shown in the income percentage factors table that corresponds to your and your spouse's income and then divide the result by 100 (if your and your spouse's aggregate income is

not listed in the income percentage factors table, calculate the applicable income percentage factor by following the instructions under the *Interpolation* heading later in this notice):

- $100.00 \times \$3,288.63 \div 100 = \$3,288.63$

Step 4: Determine 20 percent of your discretionary income. To do this, subtract the poverty level for a family of two, as published in the **Federal Register** on January 24, 2007 (72 FR 3147), from your combined AGI and multiply the result by 20 percent:

- $\$54,680 - \$13,690 = \$40,990$
- $\$40,990 \times 0.20 = \$8,198$

Step 5: Compare the amount from Step 3 with the amount from Step 4. The lower of the two will be your annual payment amount. You and your spouse will pay the amount calculated under Step 3. To determine your monthly repayment amount, divide the annual amount by 12.

- $\$3,288.63 \div 12 = \274.05

Interpolation: If your income does not appear on the income percentage factor table, you will have to calculate the income percentage factor through interpolation. For example, assume you are single and your income is \$30,000.

Step 1: Find the closest income listed that is less than your income of \$30,000 and the closest income listed that is greater than your income of \$30,000.

Step 2: Subtract the lower amount from the higher amount (for this discussion, we will call the result the "income interval"):

- $\$36,251 - \$28,860 = \$7,391$

Step 3: Determine the difference between the two income percentage factors that are given for these incomes (for this discussion, we will call the result the "income percentage factor interval"):

- $88.77\% - 80.33\% = 8.44\%$

Step 4: Subtract from your income the closest income shown on the chart that is less than your income of \$30,000:

- $\$30,000 - \$28,860 = \$1,140$

Step 5: Divide the result of Step 4 by the income interval determined in Step 2:

- $\$1,140 \div \$7,391 = 0.1542$

Step 6: Multiply the result of Step 5 by the income percentage factor interval:

- $8.44\% \times 0.1542 = 1.301\%$

Step 7: Add the result of Step 6 to the lower of the two income percentage factors used in Step 3 to calculate the income percentage factor interval for \$30,000 in income:

- $1.301\% + 80.33\% = 81.63\%$ (rounded to the nearest hundredth)

The result is the income percentage factor that will be used to calculate the monthly repayment amount under the ICR plan.

INCOME PERCENTAGE FACTORS FOR 2006

[Based on annual income]

Single		Married/head of household	
Income	% factor	Income	% factor
9,477	55.00	9,477	50.52
13,040	57.79	14,953	56.68
16,779	60.57	17,820	59.56
20,603	66.23	23,296	67.79
24,255	71.89	28,860	75.22
28,860	80.33	36,251	87.61
36,251	88.77	45,463	100.00
45,464	100.00	54,680	100.00
54,680	100.00	68,504	109.40
65,719	111.80	91,538	125.00
84,150	123.50	123,789	140.60
119,184	141.20	173,126	150.00
136,656	150.00	282,900	200.00
243,409	200.00		

CONSTANT MULTIPLIER CHART FOR 12-YEAR AMORTIZATION

Interest rate (%)	Annual constant multiplier
3.500	0.102174
4.000	0.105063
4.500	0.108001
5.000	0.110987
5.500	0.114021

CONSTANT MULTIPLIER CHART FOR 12-YEAR AMORTIZATION—Continued

Interest rate (%)	Annual constant multiplier
6.000	0.117102
6.800	0.122130
7.000	0.123406
7.900	0.129237
8.000	0.129894

CONSTANT MULTIPLIER CHART FOR 12-YEAR AMORTIZATION—Continued

Interest rate (%)	Annual constant multiplier
8.250	0.131545

BILLING CODE 4000-01-P

Sample First-Year Monthly Repayment Amounts for a Single Borrower at Various Income and Debt Levels

Income	Initial Debt																			
	\$5,000	\$7,500	\$10,000	\$12,500	\$15,000	\$17,500	\$20,000	\$22,500	\$25,000	\$30,000	\$35,000	\$40,000	\$45,000	\$50,000	\$60,000	\$70,000	\$80,000	\$90,000	\$100,000	
5,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12,500	29	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38
15,000	30	45	60	75	80	80	80	80	80	80	80	80	80	80	80	80	80	80	80	80
17,500	31	47	63	78	94	110	122	122	122	122	122	122	122	122	122	122	122	122	122	122
20,000	33	50	67	83	100	116	133	150	163	163	163	163	163	163	163	163	163	163	163	163
22,500	35	53	70	88	106	123	141	158	176	205	205	205	205	205	205	205	205	205	205	205
25,000	37	56	75	93	112	130	149	168	186	224	247	247	247	247	247	247	247	247	247	247
30,000	42	62	83	104	125	145	166	187	208	249	291	330	330	330	330	330	330	330	330	330
35,000	44	67	89	111	133	156	178	200	222	267	311	356	400	413	413	413	413	413	413	413
40,000	47	71	95	119	142	166	190	214	237	285	332	380	427	474	497	497	497	497	497	497
45,000	50	76	101	126	151	177	202	227	252	303	353	404	454	505	580	580	580	580	580	580
50,000	51	76	102	127	153	178	204	229	254	305	356	407	458	509	611	663	663	663	663	663
60,000	54	81	108	134	161	188	215	242	269	323	376	430	484	538	645	753	830	830	830	830
70,000	58	87	117	146	175	204	233	262	291	350	408	466	524	583	699	816	932	997	997	997
80,000	62	92	123	154	185	215	246	277	308	369	431	492	554	615	738	861	984	1107	1163	1163
90,000	64	97	129	161	193	225	257	290	322	386	450	515	579	644	772	901	1030	1158	1287	1287
100,000	67	100	134	167	201	234	268	301	335	402	468	535	602	669	803	937	1071	1205	1338	1338

Sample repayment amounts are based on an interest rate of 6.80%.

Income		Sample First-Year Monthly Repayment Amounts for a Married or Head-of-Household Borrower at Various Income and Debt Levels																		
		Family Size = 3																		
		Initial Debt																		
		\$5,000	\$7,500	\$10,000	\$12,500	\$15,000	\$17,500	\$20,000	\$22,500	\$25,000	\$30,000	\$35,000	\$40,000	\$45,000	\$50,000	\$60,000	\$70,000	\$80,000	\$90,000	\$100,000
6,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12,500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17,500	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
20,000	26	39	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47
22,500	14	51	68	85	89	89	89	89	89	89	89	89	89	89	89	89	89	89	89	89
25,000	36	53	71	89	107	125	131	131	131	131	131	131	131	131	131	131	131	131	131	131
30,000	39	59	79	98	118	137	157	177	196	214	214	214	214	214	214	214	214	214	214	214
35,000	44	65	87	109	131	152	174	196	218	261	297	297	297	297	297	297	297	297	297	297
40,000	47	71	94	118	141	165	189	212	236	283	330	330	377	381	381	381	381	381	381	381
45,000	51	76	101	126	152	177	202	228	253	303	354	354	404	455	464	464	464	464	464	464
50,000	51	76	102	122	153	178	204	229	254	305	356	356	407	458	509	547	547	547	547	547
60,000	53	79	105	132	158	185	211	237	264	316	369	369	422	475	527	633	714	714	714	714
70,000	56	84	112	140	169	197	225	253	281	337	393	393	449	506	562	674	787	881	881	881
80,000	60	89	119	149	179	209	239	268	298	358	417	417	477	537	596	716	835	954	1047	1047
90,000	63	95	126	158	189	221	252	284	315	378	442	442	505	568	631	757	883	1009	1135	1214
100,000	66	99	131	164	197	230	263	296	328	394	460	460	526	591	657	788	920	1051	1182	1314

Sample repayment amounts are based on an interest rate of 6.80%

[FR Doc. 07-2360 Filed 5-10-07; 8:45 am]

BILLING CODE 4000-01-C

DEPARTMENT OF EDUCATION

National Board for Education Sciences

AGENCY: Department of Education, Institute of Education Sciences.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the National Board for Education Sciences. The notice also describes the functions of the Committee. Notice of this meeting is required by Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend. This notice is being posted in the **Federal Register** less than 15 days prior to the Board's meeting due to challenges in coordinating Board member schedules to attend the meeting.

DATES: May 23 and 24, 2007.

Times: May 23, 2 p.m. to 5 p.m.; May 24, 9 a.m. to 2 p.m.

ADDRESSES: 80 F Street, NW., Room 100, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT:

Mary Grace Lucier, Designated Federal Official, National Board for Education Sciences, 555 New Jersey Ave., NW., Room 602 I, Washington, DC 20208; phone: (202) 219-2253; fax: (202) 219-1466; e-mail: Mary.Grace.Lucier@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The National Board for Education Sciences is authorized by Section 116 of the Education Sciences Reform Act of 2002. The Board advises the Director of the Institute of Education Sciences (IES) on the establishment of activities to be supported by the Institute, on the funding for applications for grants, contracts, and cooperative agreements for research after the completion of peer review, and reviews and evaluates the work of the Institute.

On May 23 the Board will receive a briefing from the Director of IES and staff on its activities and progress reports on projects underway since January 2007.

On May 24 the Board will discuss issues related to the reauthorization of the Education Sciences Reform Act and its pending contract to evaluate the effectiveness of the IES in carrying out its priorities and mission. The Board will also review the structure of its internal committees and discuss the

appointment of an executive director. A final agenda will be available from Mary Grace Lucier (see contact information above) on May 16. Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistance listening devices, or materials in alternative format) should notify Mary Grace Lucier no later than May 16. We will attempt to meet requests for accommodations after this date but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

Records are kept of all Committee proceedings and are available for public inspection at 555 New Jersey Ave., NW., Room 627 H, Washington, DC 20208, from the hours of 9 a.m. to 5 p.m. Eastern Standard Time Monday through Friday.

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Grover J. Whitehurst,

Director, Institute of Education Sciences.

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DEPARTMENT OF ENERGY

Office Electricity Delivery and Energy Reliability; Certification Notice—213; Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act; Otay Mesa Energy Center, LLC

AGENCY: Office Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of filing.

SUMMARY: On April 26, 2007, Otay Mesa Energy Center, LLC, as the owner and operator of a new base load electric powerplant, submitted a coal capability self-certification to the Department of

Energy (DOE) pursuant to section 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. Section 201(d) of FUA requires DOE to publish a notice of receipt of the self-certification in the **Federal Register**.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Room 8G-026, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586-9624.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplants may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to FUA section 201(d), in order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish a notice in the **Federal Register** reciting that the certification has been filed.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR §§ 501.60, 61:

Owner: Otay Mesa Energy Center, LLC.

Capacity: 600 MW.

Plant Location: San Diego, CA.

In-Service Date: Second Quarter of 2009.

Issued in Washington, DC, on May 7, 2007.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

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