

Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2575.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2007).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on December 26, 2007, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain noise cancelling headphones by reason of infringement of one or more of claims 1, 2, and 5 of U.S. Patent No. 5,181,252 and claims 1 and 2 of U.S. Patent No. 6,597,792, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Bose Corporation, 100 The Mountain Road, Framingham, Massachusetts 01701.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Phitek Systems Limited, Level 4, Axon Building, 2 Kingdom Street, Newmarket, Auckland, New Zealand.
Phitek Systems Limited, 3049 Summerhill Court, San Jose, California 95148.

GN Netcom, Inc., 77 Northeastern Boulevard, Nashua, New Hampshire 03062.

Audio Technica U.S., Inc., 1221 Commerce Drive, Stow, Ohio 44224.

Creative Labs, Inc., 1901 McCarthy Boulevard, Milpitas, California 95035.

Logitech Inc., 6505 Kaiser Drive, Fremont, California 94555.

Panasonic Corporation of North America, One Panasonic Way, Secaucus, New Jersey 07094.

(c) The Commission investigative attorney, party to this investigation, is T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Charles E. Bullock is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: December 27, 2007.

By order of the Commission.

Marilyn R. Abbott,

Secretary of the Commission.

[FR Doc. E7-25627 Filed 1-3-08; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Employment and Training Administration

Indian and Native American Employment and Training Programs; Solicitation for Grant Applications and Announcement of Competition Waivers for Program Years 2008 and 2009

Announcement Type: New. Notice of Solicitation for Grant Applications and Announcement of Competition Waivers.

Funding Opportunity Number: SGA/DFA-PY-05-05.

Catalog of Federal Domestic Assistance (CFDA) Number: 17.265

DATES: The closing date for receipt of applications under this announcement is by 5 p.m. eastern standard time (EST). Application and submission information is explained in detail in Part IV of this Solicitation for Grant Applications (SGA).

SUMMARY: The United States (U.S.) Department of Labor (DOL or the Department), Employment and Training Administration (ETA), announces the availability of competitive grant funds to provide employment and training services to Indians, Alaska Natives and Native Hawaiians under Section 166 of the Workforce Investment Act (WIA) for Program Years (PY) 2008 and 2009 (July 1, 2008 through June 30, 2010).

Competition for section 166 grants is conducted every two years, except that the Secretary may waive the requirement for such competition for current grantees that have performed satisfactorily.

Through this Notice, the Department announces that the Secretary has waived competition for this solicitation for grantees that have performed satisfactorily under their current grant. See Attachment A for a list of grantees receiving waivers. Grantees that receive waivers from competition only need to submit a cover letter, signed by an authorized signatory, and a Standard Form (SF) 424 Application for Federal Assistance (Version 02). These documents will serve as the grantee's "Notice of Intent" (NOI) to continue providing WIA § 166 services.

The Secretary has also waived competition for this solicitation for those grantees operating a WIA § 166 training and employment program as part of a Public Law 102-477 Demonstration Project, which allows Federally-recognized tribes, or entities serving Federally-recognized tribes, to consolidate formula-funded employment, training, and related dollars under a single service plan

administered by the Department of the Interior (DOI). See Attachment B for a list of Public Law 102-477 grantees. Grantees operating a WIA § 166 grant as part of a Public Law 102-477 Demonstration Project only need to submit a cover letter, signed by an authorized signatory, and a Standard Form (SF) 424 Application for Federal Assistance (Version 02). These documents will serve as the Public Law 102-477 grantee's NOI to continue providing WIA § 166 services.

Competition for funding under this solicitation is limited to the geographic areas listed in Attachment C of this SGA. Any eligible entity, including new applicants and current grant recipients, may apply for funding to serve these areas. Current grantees serving these geographic areas are subject to competition and must submit a grant application as specified in Part IV (B) in order to compete for their existing service area.

Important: Organizations seeking WIA § 166 funding for this period must comply with the provisions of this SGA. Late applications from current grantees or new applicants will not be considered for those geographic service areas that are in competition (as listed in Attachment C).

A list of current grantees and the geographic areas they serve can be found at: <http://www.doleta.gov/dinap/cfml/CensusData.cfm>.

ADDRESSES: Applications must be sent to: U.S. Department of Labor, ETA, Room N-4716, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: James Stockton. Applicants are advised that mail delivery in the Washington, DC area may be delayed due to mail decontamination procedures. Hand delivered proposals will be received at the above address. Applications submitted via facsimile (fax) machine will not be accepted.

SUPPLEMENTARY INFORMATION: This solicitation consists of eight parts and three attachments:

- Part I provides the funding description and background information.
- Part II describes the size and nature of the anticipated awards.
- Part III describes eligible applicants and other grant specifications.
- Part IV provides information on the application and submission process.
- Part V describes the criteria against which applications will be reviewed and evaluated, and explains the proposal review process.
- Part VI provides award administration information.
- Part VII contains DOL agency contact information.

- Part VIII lists additional resources of interest to applicants.
- Attachment A lists grantees receiving waivers.
- Attachment B lists Public Law 102-477 grantees receiving waivers.
- Attachment C lists grantees that did not receive a waiver and areas/counties open for competition and associated funding amounts.

I. Funding Opportunity Description

Section 166 of WIA is to make funds available to Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, and Native Hawaiian organizations to support employment and training activities in order to:

- (1) Develop more fully the academic, occupational, and literacy skills of Indian, Alaska Natives, and Native Hawaiian individuals;
- (2) Make Indian, Alaska Natives, and Native Hawaiian individuals more competitive in the workforce;
- (3) Promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities; and
- (4) Help Indian, Alaska Natives, and Native Hawaiian individuals achieve personal and economic self-sufficiency.

Requirements for WIA § 166 programs are set forth in WIA § 166 (29 U.S.C. 2911) and its regulations, found at 20 CFR part 668, published at 65 FR 49294, 49435 August 11, 2000.

A. Background on the Workforce Investment Act (WIA), Section 166 Grants (Also Known as Indian and Native American Grants or INA Grants):

The Department's Office of ETA has awarded employment and training grants to Indian tribes, urban Indian centers, and other nonprofit organizations serving Indians, Alaska Natives, and Native Hawaiians for over 30 years. These grants have been authorized under various forms of legislation such as the Job Training Partnership Act (JTPA) enacted in 1982, and its predecessor, the Comprehensive Employment and Training Act (CETA) enacted in 1973. While WIA maintains most of the core program values that existed in previous laws, it also establishes key reforms that are applicable to Native American programs.

One of the key reforms under WIA is the emphasis on the coordination of Federally funded job training programs. The mechanism used to coordinate these various job training programs is the One-Stop delivery system. Under WIA, the Native American Section 166

program is a required partner in the One-Stop delivery system. As such, grantees must execute a Memorandum of Understanding (MOU) with the local workforce investment board that identifies the role of the INA grantee in the One-Stop center. It is important that Section 166 grantees coordinate with their local One-Stop service provider(s).

Applicants to this SGA should also be aware of ETA's move towards results-oriented employment and training programs. In order to better measure performance, ETA has established common measures for all ETA programs. Listed below are the adult performance outcomes that Section 166 grants are measured by:

- Entered Employment.
 - Employment Retention.
 - Average Earnings.
- Applicants which receive supplemental youth funds will be measured by the following criteria:
- Number of Youth Placed in Unsubsidized Employment.
 - Number of Youth Placed in Post Secondary Education.
 - Number of Youth Attained a High School Diploma or Equivalent.
 - Number of Youth Returned to Secondary School Full-Time.

Additional information on performance measures can be found in ETA's Training and Employment Guidance Letter (TEGL) No. 17-05 (February 17, 2006), which can be found at: <http://wdr.doleta.gov/directives/attach/TEGL17-05.pdf>.

B. Waivers

As indicated in the Summary above, the Secretary has the authority to grant waivers from competition to grantees that have performed satisfactorily under their current grant. Incumbent grantees that have performed satisfactorily, both programmatically and administratively, under the last two grant cycles will receive a waiver from competition for the PY 2008-2009 designation period funded under this notice.

However, if the Department has found that the grantee serving a geographic area has failed to perform satisfactorily, that geographic area will be placed in competition, UNLESS the grantee is serving a geographic area over which it has legal jurisdiction.

(1) Criteria for Determining Waivers

The Department will consider the following factors when determining waivers from competition:

- (a) Program performance measures.
- (b) The responsibility review criteria contained in 20 CFR 667.170.
- (c) The factors related to ability to administer funds in 20 CFR 668.220 and 668.230.

The process for determining waivers from competition is independent of the responsibility review and ability to administer funds processes and a deficiency need not rise to the level necessary to support a finding of "not responsible" or "not able to administer" in order to be considered relevant to the waiver determination. Every applicant for assistance, including those receiving priority and those receiving waivers of competition, must undergo a separate determination of its responsibility under 20 CFR 667.170 and its ability to administer funds under 20 CFR 668.220 and 668.230. Grantees that are determined to be "not responsible" as determined by the responsibility review process will not be selected as potential grantees irrespective of the designation processes included in this SGA.

For incumbent organizations that failed to qualify for a waiver of competition, the Grant Officer reserves the right to examine the applicant's responsibility pursuant to 20 CFR 667.170 as part of the initial review of grant applications in order to carry out a more efficient selection process. Incumbent organizations that are found nonresponsible or unable to administer funds, including those receiving priority, will not qualify for designation.

(2) Waivers for Federally Recognized Tribes Serving Areas and/or Populations Over Which They Have Legal Jurisdiction

The determination regarding whether to deny a waiver required some adjustment with respect to Federally recognized Indian tribes or Alaska Native entities serving geographic areas over which they have legal jurisdiction and a priority for designation under 20 CFR 668.210(a). In these situations, the Department determined that it will provide a waiver to such grantees since the Section 166 regulations provide a priority for designation for Federally recognized Indian tribes and Alaska Native entities (or consortia that include such a tribe or Alaska Native entity) regarding geographic areas and/or populations over which they have legal jurisdiction. The Waiver is limited to those geographic areas over which the tribal grantee has legal jurisdiction as defined by 20 CFR 668.210(a). Those geographic areas which the grantee serves but lacks legal jurisdiction are subject to competition.

The Department will address the poor performance of Federally recognized Indian tribes and Alaska Native entities through separate administrative processes. Such processes may include conditional designation or corrective action plans that require tribes and

Alaska Native entities to improve performance. Failure to improve performance may result in a tribal and Alaska Native entity losing its designation as a WIA grantee.

(3) Description of Attachments

(a) Attachment A provides a list of current grantees receiving competition waivers (including those tribes and Alaska Native entities that will receive conditional designations).

(b) Attachment B is a list of Public Law 102-477 grantees receiving waivers.

(c) Attachment C lists grantees that did not receive a waiver and areas/counties open for competition and associated funding amounts. If a federally recognized tribe did not receive a waiver from competition, only the service area in which the tribe does not have legal jurisdiction is listed in Attachment C.

C. Procedures After Designation

Being designated as a Section 166 service provider, either under a waiver or through competition will not automatically result in an immediate award of grant funds. Entities that successfully complete the designation process, including winning any competition(s) for service area(s) that may occur as defined in this SGA, must prepare a two-year Comprehensive Services Program (CSP) Plan that must be approved by DOL. Instructions for preparation of the CSP Plan will be issued to all designated service providers under separate guidance.

After a section 166 designee's CSP Plan is approved by the Department, a grant agreement ("Notice of Obligation" or NOO) must be executed in accordance with 20 CFR 668.292. Each NOO will reflect the amount of Section 166 funds awarded as determined in accordance with 20 CFR 668.296 and 668.440.

II. Award Information

Type of assistance instrument: Funds will be awarded under this solicitation through two-year grants. Exact award amounts will be determined by the Department after designation of service areas and service providers, and once funding appropriations for the grant periods have been made by Congress.

The section 166 program is a "formula funded" program that receives an annual appropriation of approximately \$54,000,000. For PY 2007, this amount was distributed throughout the U.S. to 180 grantees. The amounts awarded under the CSP (Adult) program in PY 2007 ranged from \$15,641 to \$5,970,187. The median grant award amount for PY

2007 was \$160,426. PY 2007 CSP (adult) award amounts for all section 166 grantees can be found at: http://wdr.doleta.gov/directives/attach/TEGL/TEGL24-06_Att1.pdf.

Adult funding: The amount of funding a grantee will receive for adult services is based on a formula specified at 20 CFR 668.296(b). The CSP (Adult) Funding Formula is as follows:

- One-quarter of the funds will be allocated based on the percentage of unemployed Native Americans living in the grantee's designated INA service area (as defined below) compared to the total number of unemployed Native Americans living in the U.S.
- Three-quarters of the funds will be allocated based on the percentage of Native Americans living in poverty in the grantee's designated INA service area compared to the total number of Native Americans living in poverty in the U.S.

A grantee's designated INA service area is the area identified by the DOL Grant Officer in the grant award in which the grant applicant will operate an employment and training program (usually a county or reservation area). Grant applicants must specify the geographic area(s) they wish to serve in their grant application. ETA uses counties and tribal reservations, Alaska Native villages, and Alaska Native regional corporations to identify areas of service. ETA used data from the 2000 Census to determine the number of Native Americans in poverty and unemployed for each service area. Attachment C identifies the service areas in competition for PY 2008-2009, along with the number of Native Americans in each geographic area who are unemployed, in poverty, or in the youth age bracket and the estimated funding associated with each service area.

Youth funding: Grant applicants serving reservation areas and grantees serving any area in the State of Oklahoma also receive Supplemental Youth Services (SYS) program funds. Youth funds are appropriated annually as stated in WIA at § 127(b)(1)(C)(i). Annual appropriations for the SYS program have been between \$14,000,000 and \$15,000,000, and have been awarded to approximately 136 Native American grantees. The amounts awarded under the SYS program in 2007 ranged from \$1,916 to \$3,109,199. The median grant award amount for PY 2007 was \$36,249. Youth award amounts for all Section 166 grantees can be found at: http://wdr.doleta.gov/directives/attach/TEGL/TEGL24-06_Att2.pdf.

The amount of youth funding a grantee will receive is based on a formula specified at 20 CFR 668.440. The SYS Funding Formula is as follows: SYS funding will be allocated to grantees serving reservations (or areas in the State of Oklahoma) based on the percentage of Native American Youth between the ages of 14 and 21 living in poverty in the grantee's designated INA service area compared to the number of Native American youth between the ages of 14 and 21 living in poverty on all reservation areas and the State of Oklahoma.

Award amounts available for areas in competition: Estimated funds to be awarded for those areas in competition are included in Attachment C.

III. Eligibility Information

A. Eligible Applicants

To be eligible for an award of funds under WIA § 166 and this solicitation, an entity must meet all eligibility requirements of WIA § 166 and 20 CFR 668.200, as well as the application and designation requirements found at 20 CFR part 668, subpart B. The Federal regulations are available at: <http://www.doleta.gov/dinap/pdf/wiafinalregsall.pdf>. Potential applicants are expected to thoroughly review and comply with the statute and regulations.

Organizations that are eligible to apply for WIA § 166 funds under this solicitation are:

- Federally recognized Indian Tribes.
- Tribal organizations as defined in 25 U.S.C. 450b.
- Alaskan Native-controlled organizations representing regional or village areas, as defined in the Alaska Native Claims Settlement Act.
- Native Hawaiian-controlled entities.
- Native American-controlled organizations serving Indians, including community and faith-based organizations (see definition of Native American-controlled organizations described below).

• State-recognized tribal organizations serving individuals who were eligible to participate under JTPA § 401, as of August 6, 1998.

• Consortia of eligible entities which individually meet the legal requirements for a consortium (see definition of a consortium described below). Additionally, to be eligible, entities must have a legal status as a government, an agency of a government, a private nonprofit corporation (e.g., incorporated under IRS § 501(c)(3)), or a consortium as defined below.

Applicants seeking to provide services in a geographic service area for the first time must satisfy the funding threshold identified below.

Definition of Native American-Controlled Organization: A Native American-controlled organization is defined as any organization for which more than 50 percent of the governing board members are Indians or Native Americans. Such an organization can be a tribal government, Native Alaska entity, Native Hawaiian entity, consortium, or public or private nonprofit agency. For the purpose of this award application, the governing board must have decision-making authority for the WIA § 166 program.

Eligible consortium: Each member of a consortium must individually meet the requirement of an eligible applicant, as defined in 20 CFR 668.200 (c), (that is, be a Federally recognized tribe, or tribal organization, or Alaska Native-controlled organization, etc.) and at least one of the consortia members must have a legal status as a government, an agency of a government or a private nonprofit corporation. Additionally, the consortium must meet the following conditions:

- Have members in close proximity to one another but not necessarily in the same State;
- Have an administrative unit legally authorized to run the program and to commit the other members to contracts, grants, and other legally binding agreements; and
- Be jointly and individually responsible for the actions and obligations of the consortium, including debts.

Funding Thresholds: To be eligible for funding, a new (non-incumbent) entity must request one or more geographic service areas in competition that contain an eligible population of sufficient size to result in a funding level of at least \$100,000 under the combined adult and youth funding formulas. See § 668.200(a)(3). Current section 166 grantees that do not meet the \$100,000 threshold are exempt from this requirement. Federally-recognized tribes currently receiving, or applying for WIA § 166 funds under Public Law 102-477 only need to meet a \$20,000 threshold, as long as the combined funding under Public Law 102-477 is at least \$100,000. Attachment C provides funding estimates for the geographic areas in competition.

B. Cost Sharing or Matching

The Section 166 program does not require grantees to share costs or provide matching funds.

C. Other Eligibility Criteria

In accordance with 29 CFR Part 98, entities that are debarred or suspended shall be excluded from Federal financial

assistance and are ineligible to receive a section 166 grant.

Additionally, the applicant must have the ability to administer section 166 funds. The ability to administer section 166 funds is determined in accordance with 20 CFR 668.220 and 668.230.

Limitations on those served under a WIA § 166 grant are identified in Part IV (E) of this SGA, "Funding Restrictions."

Applicants should be aware that there are specific program regulations and OMB circulars that grantees must adhere to upon receiving a section 166 grant. See Part IV (B) of this SGA below.

IV. Application and Submission Information

A. Address to Request Application Package

This SGA contains all of the information needed to apply for grant funding.

B. Content and Form of Application Submission

Information that must be submitted under this SGA will depend on the applicant's status with DOL/ETA. For the purposes of this SGA, grant applicants are divided into four categories, each of which is addressed separately below: (1) Current grantees receiving a waiver from competition for their service area (see listing in Attachment A); (2) current grantees operating a WIA § 166 grant under Public Law 102-477 (see listing in Attachment B); (3) current grantees not receiving waivers from competition (see listing in Attachment C); and (4) new applicants for areas in competition.

(1). Current Grantees Receiving a Waiver From Competition

Current grantees receiving a waiver of competition, as listed in Attachment A of this SGA, only need to submit the following documents:

- A brief cover letter informing ETA of the organization's interest in applying for WIA § 166 funds, signed by an authorized signatory official.
- A Standard Form (SF) 424 (Version 02) which can be obtained at <http://www.doleta.gov/dinap/cfml/WhatsNew.cfm> (See information regarding the completion of the SF-424 below.)

If a current grantee with a competition waiver for an existing service area wishes to apply for additional geographic service areas, the additional service area(s) must be stated in item #14 of the SF-424 and the procedures in Section V of this SGA must be followed to apply for grant funding for the additional area(s). A current grantee

that has received a waiver from competition does not jeopardize its existing service area by applying for additional service areas nor does it receive any preference for the additional area.

(2). Federally-Recognized Tribes Applying for Section 166 Funds Under Public Law 102-477

Public Law 102-477 authorizes WIA § 166 funds to be awarded to Federally-recognized tribes under a "consolidation" plan administered through the U.S. DOI. Public Law 102-477 allows Federally-recognized tribes to consolidate formula-funded employment and training related funds under a single, consolidated plan. Grantees operating a WIA § 166 grant under Public Law 102-477, as listed in Attachment B of this SGA, only need to submit the following documents:

- A brief cover letter informing ETA of the organization's interest in applying for WIA § 166 funds, signed by an authorized signatory official.

- A Standard Form (SF) 424 (Version 02) which can be obtained at <http://www.doleta.gov/dinap/cfml/WhatsNew.cfm> (See information regarding the completion of the SF-424 below).

These documents indicate their intent to continue receiving section 166 funds. Tribes wishing to apply for WIA § 166 funds under Public Law 102-477 should not apply under this solicitation. Instead, tribes must submit a 477 plan to the U.S. DOI.

New tribal applicants should be aware that in order for ETA to timely obligate funds under Public Law 102-477, a tribe's 477 plan must be received by the DOI no later than April 1, 2008, and approved no later than June 30, 2008. For further information on applying for WIA § 166 funds under Public Law 102-477, please contact Dawn Anderson at (202) 693-3745

(3). Current Grantees Not Receiving a Waiver From Competition

Current grantees not receiving a waiver from competition, as listed in Attachment C of this SGA, only need to submit the following documents to initially express interest in continuing to serve the geographic service area placed in competition:

- A brief cover letter informing ETA of the organization's interest in applying for WIA § 166 funds, signed by an authorized signatory official.

- A Standard Form (SF) 424 (Version 02) which can be obtained at: <http://www.doleta.gov/dinap/cfml/WhatsNew.cfm> (See information

regarding the completion of the SF 424 below.)

While these are the only documents initially required, grantees not receiving a waiver should be aware that other entities may apply for their geographic service area(s). In cases where a new applicant (or applicants) applies for a current grantee's service area, the Grant Officer will notify the applicant—no later than 15 days after the SGA deadline date—that there is competition for the grantee's service area. Upon such notification, the applicant will be given 30 days from the date of the notification to submit a competitive grant proposal that responds to the evaluation criteria described in Part V(A) and that complies with requirements for new applicants under Part IV(B)(3) below (except that current grantees need not provide identification or proof of legal status, unless it has changed since the entity's current grant award). Current grantees not receiving a waiver may want to prepare a competitive grant proposal in preparation of a possible notice of competition as some portions of the proposal (such as letters of support) may take longer than the 30 days to prepare.

If there is no competition for a service area currently served by a grantee that did not receive a waiver, the Grant Officer, in consultation with INAP and consistent with 20 CFR 668.210, 668.250, and 668.280, will make a decision to continue funding to the current grantee, or to designate the service area to another WIA § 166 grantee that is willing to serve the area, or to transfer funding into the formula to be distributed among all WIA § 166 grantees.

(4). New applicants for areas in competition. New applicants must submit a complete grant proposal that addresses each of the evaluation criteria indicated in Part V(A) of this SGA. The proposal may not exceed twenty (20) double-spaced, single-sided, 8.5 inch x 11 inch pages with 12 point text font and one inch margins. In addition, attachments may be included but may not exceed 10 pages. The applicant may provide resumes, a list of staff positions to be funded by the grant, letters of support, statistical information, and other related material. The proposal must include within the 20-page limit:

- A brief cover letter informing ETA of the organization's interest in applying for WIA § 166 funds, signed by an authorized signatory official.

- A Standard Form (SF) 424 (Version 02) which can be obtained at: <http://www.doleta.gov/dinap/cfml/WhatsNew.cfm> (see information

regarding the completion of the SF-424 below).

- Identification of the applicant's legal status, including articles of incorporation for non-profit organizations or consortium agreement (if applicable).

- A specific description of the geographic area (i.e., county or reservation) being applied for. Only areas placed in competition and identified in Attachment C of this SGA can be applied for. New applicants should identify the area(s) they wish to serve in item #14 of the SF-424. Applicants may include service areas in an attachment to the SF-424 if additional space is needed.

Completing the Standard Form (SF) 424 (Version 02):

The SF-424 is available for downloading at: <http://www.doleta.gov/dinap/cfml/WhatsNew.cfm>. The SF-424 must clearly identify the applicant and be signed by an individual with authority to enter into a grant agreement. Upon confirmation of an award, the individual signing the SF-424 on behalf of the applicant shall be considered the representative of the applicant.

While the SF-424 requires general information about an applicant, applicants may not be familiar with some required items, or the information may not be readily available. Explanations of these items are provided below:

Item #8(c)—Organization DUNS: All applicants for Federal funds are required to have a Dun and Bradstreet (DUNS) number. The DUNS number is a nine-digit identification number that uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number access this Web site: <http://www.dunandbradstreet.com> or call 1-866-705-5711. Many organizations already have a DUNS number. Applicants should verify that their organization does not already have a DUNS number before obtaining a new number.

- *Item #11*—Catalog of Federal Domestic Assistance Number (CFDA): The CFDA number for the WIA § 166 program is 17.265. This number must be provided in item #11.

- *Item #14*—Areas Affected by Project: Applicants must include the specific geographic areas they wish to serve (i.e., counties, reservations, etc.). Current grantees that wish to serve their existing service area and are not applying for additional service areas only need to indicate "Existing Service Area" in this section. Current grantees and new applicants requesting service

areas that are open to competition as indicated in Attachment C of this SGA must include the State, County, and Reservation service area in line item 14. Applicants may include service areas in an attachment to the SF-424 if additional space is needed.

- *Item #17*—Proposed Project Start Date and Ending Date: The WIA § 166 program is funded for a two-year period and is based on a PY period of July 1 through June 30. The proposed start date under this solicitation is July 1, 2008, and the proposed end date is June 30, 2009.

- *Item #18*—Estimated Funding: The WIA § 166 program is a formula funded program and funding is based on population characteristics, geographic service area, and annual congressional appropriations. Since WIA § 166 funding awards are calculated by the DOL/ETA, it is not necessary for applicants to complete Item #18. However, current grantees can view their estimated funding which has been calculated by the DOL/ETA through 2010, at this Web site: <http://www.doleta.gov/dinap/cfml/CensusData.cfm>. Please note that the funding amounts located at the Web sites above are estimates based on the Fiscal Year 2004, congressional appropriation. Funding estimates for those areas in competition are included in Attachment C.

- *Item #19*—Is application Subject to Review by State Under Executive Order (E.O.) 12372 process? The WIA § 166 program is not subject to E.O. 12372.

C. Submission Date, Times, and Addresses

All applications must be submitted with an original signed application, SF-424 (all new applicants must also submit a SF-424A, Budget Form) and one (1) “copy-ready” version. Do not bind, staple, or insert protruding tabs.

The closing date for receipt of applications under this announcement is by 5 p.m. e.t., 30 days after the date of publication, February 4, 2008. Applications must be received at the address below no later than 5 p.m. e.t. Applications sent by e-mail, telegram, or facsimile (fax) will not be accepted. Applications that do not meet the conditions set forth in this notice will not be considered. No exceptions to the mailing and delivery requirements set forth in this notice will be granted.

Mailed applications must be addressed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: James Stockton, Grant Officer, Reference SGA/DFA-PY-05-05, 200 Constitution Avenue, NW.,

Room N-4716, Washington, DC 20210. Applicants are advised that mail delivery in the Washington area may be delayed due to mail decontamination procedures. Hand delivered proposals will be received at the above address. All overnight mail will be considered to be hand-delivered and must be received at the designated place by the specified closing date and time. Proposals submitted on diskette or CD is not encouraged as decontamination procedures may cause damage.

Late Applications: Any application received after the exact date and time specified for receipt at the office designated in this notice will not be considered, unless it is received before awards are made and it

(1) Was sent by U.S. Postal Service registered or certified mail not later than the fifth calendar day before the date specified for receipt of applications (e.g., an application received after the deadline, but having a U.S. postmark showing an early submittal will not be considered late if received before awards are made), or

(2) Was sent by U.S. Postal Service Express Mail to the addressee not later than 5 p.m. (e.t.) at the place of mailing one working day prior to the date specified for receipt of applications. “Post marked” means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable, without further action, as having been supplied or affixed on the date of mailing by an employee of the U.S. Postal Service. Therefore, applicants should request the postal clerk to place a legible hand cancellation “bull’s eye” postmark on both the receipt and the package. Failure to adhere to the above instructions will be a basis for a determination of non-responsiveness.

Note: Except as specifically provided in this Notice, DOL/ETA’s acceptance of a proposal and an award of Federal funds to sponsor any program(s) does not provide a waiver of any grant requirements and/or procedures. For example, OMB Circulars require that an entity’s procurement procedures must ensure that all procurement transactions are conducted, as much as practical, to provide open and free competition. If a proposal identifies a specific entity to provide services, the DOL/ETA’s award does not provide the justification or basis to sole source the procurement, i.e., avoid competition, unless the activity is regarded as the primary work of an official partner to the application.

Important: Organizations seeking WIA § 166 funding for this period must comply with the provisions of this SGA. Late applications from current grantees or new applicants will not be

considered for those geographic service areas that are in competition (as listed in Attachment C).

D. Intergovernmental Review

This funding opportunity is not subject to E.O. 12372 “Intergovernmental Review of Federal Programs.”

E. Funding Restrictions

Allowable costs: Determinations of allowable costs will be made in accordance with the applicable Federal cost principles, e.g., for tribes, OMB Circular A-87, for nonprofit organizations, OMB Circular A-122. See 20 CFR 668.810 and 668.840 (incorporating WIA cost rules at 20 CFR 667.200 to 667.220). Disallowed costs are those charges to a grant that the grantor agency or its representative determines not to be allowable in accordance with the applicable Federal Cost Principles or other conditions contained in the grant. The WIA § 166 program limits administrative costs to 15 percent but may be negotiated up to 20 percent upon approval from the grantor agency. There are no specific limits on indirect costs; however, since most indirect costs are considered administrative costs, the amount of indirect cost collected, regardless of the approved rate, may be limited by the overall administrative cost limit. WIA funds must not be spent on construction or purchase of facilities or buildings except in specific circumstances specified at § 667.260.

Limitation on the type of individuals served: The regulations at 20 CFR 668.300(a) limit eligibility for WIA § 166 program services to Indians as determined by a policy of the Native American grantee. The grantee’s definition must at least include anyone who is a member of a Federally-recognized tribe, or an Alaska Natives, or a Native Hawaiian. Those receiving services must also, under § 668.300(b), be either low income, unemployed, underemployed as defined in 20 CFR 668.150, a recipient of a bona fide layoff notice which has taken effect in the last six months or will take effect in the following six month period, or employed persons in need of employment and training services to achieve self-sufficiency. Grantees must ensure that all eligible population members have equitable access to employment and training services. See 20 CFR 668.650(a). Priority of services must be given to veterans and spouses of certain veterans in accordance with the provisions of the “Jobs for Veterans Act,” Public Law 107-288. Since all individuals served by the section 166

program must be an Indian, Native American, Alaska Native, or Native Hawaiian, so must the veterans receiving priority under the "Jobs for Veterans Act" be Indian, Native American, Alaska Native, or Native Hawaiian.

V. Application Review Information

A. Evaluation Criteria

The factors listed below will be considered in evaluating the applicants' approach to providing services and their ability to produce the best outcomes for

covered individuals residing in the service area.

B. Review and Selection Process

| | Evaluation criteria | Points |
|--------------|---|--------|
| (1)(a) | Previous experience or demonstrated capabilities in successfully operating an employment and training program established for and serving Indians and Native Americans. | 20 |
| (b) | Previous experience in operating or coordinating with other human resources development programs serving Indians and Native Americans. Applicant should describe other successful Federal, State, or private foundation grants that the applicant has operated in the last two years. | 10 |
| (c) | Demonstration of coordination and linkages with Indian and non-Indian employment and training resources within the community. | 10 |
| (2)(a) | Description of the entity's planning process | 10 |
| (b) | Demonstration of involvement with the INA community | 10 |
| (c) | Approach to providing services, including identification of the training and employment problems and needs in the requested area, and approach to addressing such needs. | 10 |
| (3)(a) | Demonstration of involvement with local employers and efforts that have been made to link unemployed Native Americans with employers. Applicant should also describe involvement with local Workforce Investment Boards, or if applicable, youth programs, and/or councils. | 10 |
| (b) | Applicants should describe efforts that have been made to coordinate their human resource services described under Criteria (1)(b) with State Operated One-Step delivery systems. | 10 |
| (4) | Demonstration of support and recognition by the Native American Community and service population, including local tribes and adjacent Indian organizations and the client populations to be served. | 10 |
| | Maximum Available Points | 100 |

Overall Review Process: The Grant Officer will conduct an initial review of grant applications for compliance with the statute, regulations, and this SGA. The initial review will consider, among other things, timeliness and completeness of submission, applicant eligibility, eligibility of the requested service area, population size, and funding thresholds as described in Part III (A) of this SGA. The review will also consider the applicant's ability to administer funds as specified at 20 CFR 668.220 and 668.230. Applications that do not satisfy these conditions will not be considered.

For incumbent organizations that failed to qualify for a waiver of competition, the Grant Officer reserves the right to examine the applicant's responsibility pursuant to 20 CFR 667.170, as part of the initial review of grant applications in order to carry out a more efficient selection process. Incumbent organizations that are found nonresponsible or unable to administer funds, will not qualify for designation.

Designation Priority: If two or more applicants satisfy the initial review described above, the Grant Officer will determine whether designation priority exists. In nonreservation areas placed in competition, consistent with 20 CFR 668.210(c), priority for designation will be given to entities with a Native American-controlled governing body and which are representative of the Native American communities that they are applying to serve.

Competitive Selection Procedures: Where two or more applicants satisfy the initial review described above and where equal or no priority for designation exists, then a competitive selection will be made for geographic areas identified in Attachment C using the procedures in this section. When competitive selection is necessary, INAP will notify each applicant of the competing NOI no later than 15 days after the application deadline date. Upon notification of competition, current grantees will be given 30 days from the date of notification to submit a complete proposal, as specified in Part IV (B)(3).

Where a competitive evaluation is required, the Grant Officer will use a formal panel review process to score proposals and any supporting attachments against the evaluation criteria listed in Part V(A). The review panel will include individuals with knowledge of or expertise in programs dealing with Indians and Native Americans. The purpose of the panel is to review and evaluate an organization's potential, based on its application, to provide services to a specific Native American community, and submit recommendations to the Grant Officer.

It is the Department's policy that no information affecting the panel review process will be solicited or accepted after the deadlines for receipt of applications set forth in this SGA. All submitted information must be in writing. This policy does not preclude

the Grant Officer from requesting, or considering, additional information independent of the panel review process. During the review, the panel will not give weight to undocumented assertions. Any information must be supported by adequate and verifiable documentation, e.g., supporting references must contain the name of the contact person, an address, and telephone number. Panel ratings and recommendations are advisory to the Grant Officer.

Determination of Designation-Scoring: The Grant Officer will make the final determination of section 166 designees and of the geographic service area for which each designation is made. The Grant Officer will select the entity that demonstrates the ability to produce the best outcomes for its customers, based on all available evidence and in consideration of any designation priorities as described in above. In addition to considering the review panel's rating in those instances in which a panel is convened, the Grant Officer may consider any other available information regarding the applicants' financial and administrative capability, operational capability, and responsibility in order to make funding determinations that are advantageous to the government.

The Grant Officer need not designate an entity for every geographic area. See 20 CFR 668.294. If there are service areas in competition for which no entity submitted a complete application or for

which no entity achieved a score of at least 70, the Grant Officer may either designate no service provider or may designate an entity based on demonstrated capability to provide the best services to the client population. The Department reserves the rights to select applicants with scores lower than 70 or lower than competing applications if such selection would, in the Department's judgment, result in the most effective and appropriate combination of services to the client population, funding, and costs.

An applicant that does not receive WIA § 166 funding, in whole or in part, as a result of this process, will be afforded the opportunity to appeal the Grant Officer's decision as provided at 20 CFR 668.270.

C. Anticipated Announcement and Award Dates

Designation decisions will be made by March 1, 2008.

VI. Award Administration Information

A. Award Notices

The Grant Officer, Mr. James Stockton, will notify applicants of the results of their application as follows:

Designation Award Letter: The designation award letter signed by the Grant Officer will serve as official notice that the applicant has been awarded WIA § 166 funding. The designation award letter will include the geographic service area for which the designation is made.

Nondesignation Award Letter: Any organization not receiving a designated award, in whole or in part, for a requested geographic service area that is in competition (as identified in Attachment C) will be notified formally of the nonaward designation.

Notification by a person or entity, other than the Grant Officer that an applicant has been awarded WIA § 166 funds is not valid.

B. Administrative and National Policy Requirements

Applicants that are awarded WIA § 166 funds and become a Grantee of ETA must comply with the provisions of WIA and its regulations. Particular attention should be given to 20 CFR Part 668, which focuses specifically on programs for Indians and Native Americans under WIA. In addition, all grants will be subject to the following administrative standards and provisions, as applicable to the particular grantee:

- 20 CFR part 667—Administrative provisions under Title I of WIA.
- 29 CFR part 2, subpart D—Equal Treatment in Department of Labor

Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.

- 29 CFR parts 30, 31, 32, 33, 35 and 36—Equal Employment Opportunity in Apprenticeship and Training; Nondiscrimination in Federally Assisted Programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964; Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Labor; Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor; and Nondiscrimination on the Basis of Sex in Education Programs Receiving or Benefiting from Federal Financial Assistance.

- 29 CFR part 37—Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998.

- 29 CFR part 93—Lobbying.
- 29 CFR part 95—Uniform

Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and with Commercial Organizations.

- 29 CFR part 96—Federal Standards for Audit of Federally Funded Grants, Contracts, and Agreements.

- 29 CFR part 97 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

- 29 CFR part 98—Government-wide Debarment and Suspension (Non-Procurement) and Government-wide Requirements for Drug-Free Workplace (Grants).

- 29 CFR part 99—Audit of States, Local Governments, and Non-Profit Organizations.

In accordance with WIA § 195(6) and 20 CFR 668.630(f), programs funded under this SGA may not involve political activities. Additionally, in accordance with section 18 of the Lobbying Disclosure Act of 1995, Public Law 104-65 (2 U.S.C. 1611), nonprofit entities incorporated under § 501(c)(4) that engage in lobbying activities are not eligible to receive Federal funds and grants. Further, this program is subject to the provisions of the "Jobs for Veterans Act," Public Law 107-288, which provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by DOL. Please note that, to obtain priority of service, a veteran must meet the program's

eligibility requirements. ETA Training and Employment Guidance Letter (TEGL) No. 5-03 (September 16, 2003) provides guidance on the scope of the veterans priority statute and its effect on current employment training programs.

C. Reporting

Applicants that are awarded WIA § 166 funds and become grantees of ETA will be required to submit reports on financial expenditures, program participation, and participant outcomes on no more than a quarterly basis and in accordance with ETA-specified formats, deadlines, and other requirements. Grantee performance will be evaluated on an annual basis.

VII. Agency Contacts

Questions regarding this SGA can be directed to: Serena Boyd, Grants Management Specialist, e-mail: boyd.serena@dol.gov; (202) 693-3338; Fax: (202) 693-2879.

VIII. Other Information

Potential applicants may obtain further information on the WIA § 166 program for employment and training of Native Americans through the Web site for DOL's Indian and Native American Programs: <http://www.doleta.gov/dinap/>. Any information submitted in response to this SGA will be subject to the provisions of the Privacy Act and the Freedom of Information Act, as appropriate. The Department is not obligated to make any awards as a result of this SGA, and only the Grant Officer can bind the Department to the provision of funds under WIA § 166. Unless specifically provided in the grant agreement, the Department's acceptance of a proposal and/or award of Federal funds does not waive any grant requirements and/or procedures. OMB Information Collection No. 1205-0458 Expires September 30, 2009.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimated or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, the OMB Desk Officer for ETA, Office of Management and Budget, Room 10235,

Washington, DC 20503. Please do not return your completed application to the OMB. Send it to the sponsoring agency as specified in this solicitation.

This information is being collected for the purpose of awarding a grant. The information collected through this "Solicitation for Grant Applications" will be used by the Department of Labor to ensure that grants are awarded to the applicant best suited to perform the functions of the grant. Submission of this information is required in order for

the applicant to be considered for award of this grant. Unless otherwise specifically noted in this announcement, information submitted in the respondent's application is not considered to be confidential.

Signed at Washington, DC, this 28th day of December 2007.

Emily Stover DeRocco,
Assistant Secretary, Employment and Training Administration.

Attachment A—Current Grantees Receiving Waivers

Attachment B—Public Law 102–477 Grantees Receiving Waivers

Attachment C—Current Grantees Not Receiving Waivers and Associated Geographic Areas

ATTACHMENT A.—CURRENT GRANTEES RECEIVING WAIVERS

| State | Grantee name |
|---------------------|--|
| Alabama | Inter-Tribal Council of Alabama, Inc. |
| Alabama | Poarch Band of Creek Indians. |
| Alaska | Kenaitze Indian Tribe. |
| Alaska | Maniilaq Association. |
| Arizona | Affiliation of Arizona Indian Centers, Inc. |
| Arizona | American Indian Association of Tucson. |
| Arizona | Colorado River Indian Tribes. |
| Arizona | Gila River Indian Community. |
| Arizona | Hopi Tribal Council. |
| Arizona | Hualapai Tribe. |
| Arizona | Inter-Tribal Council of Arizona, Inc. |
| Arizona | Native Americans for Community Action, Inc. |
| Arizona | Pascua Yaqui Tribe. |
| Arizona | Phoenix Indian Center, Inc. |
| Arizona | Quechan Indian Tribe. |
| Arizona | Salt River Pima-Maricopa Indian Community. |
| Arizona | San Carlos Apache Tribe. |
| Arizona | White Mountain Apache Tribe. |
| Arkansas | American Indian Center of Arkansas, Inc. |
| California | California Indian Manpower Consortium, Inc. |
| California | Candelaria American Indian Council, Inc. |
| California | Indian Human Resources Center, Inc. |
| California | Northern California Indian Development Council, Inc. |
| California | Southern California Indian Center, Inc. |
| California | Tule River Tribal Council. |
| California | United Indian Nations, Inc. |
| California | Ya-Ka-Ama Indian Education and Development, Inc. |
| Colorado | Denver Indian Center, Inc. |
| Colorado | Southern Ute Indian Tribe. |
| Colorado | Ute Mountain Ute Tribe. |
| Delaware | Nanticoke Indian Association, Inc. |
| Florida | Florida Governors Council on Indian Affairs, Inc. |
| Florida | Miccosukee Tribe of Indians of Florida. |
| Hawaii | Alu Like, Inc. |
| Indiana | American Indian Center of Indiana, Inc. |
| Kansas | United Tribes of Kansas and Southeast Nebraska, Inc. |
| Louisiana | Inter-Tribal Council of Louisiana, Inc. |
| Maine | Penobscot Indian Nation. |
| Massachusetts | Mashpee-Wampanoag Indian Tribe. |
| Massachusetts | North American Indian Center of Boston, Inc. |
| Michigan | Inter-Tribal Council of Michigan, Inc. |
| Michigan | Michigan Indian Employment and Training Services, Inc. |
| Michigan | North American Indian Association of Detroit, Inc. |
| Michigan | Pokagon Band of Potawatomi Indians. |
| Michigan | Sault Ste. Marie Tribe of Chippewa Indians. |
| Michigan | South Eastern Michigan Indians, Inc. |
| Minnesota | American Indian Opportunities, Inc. |
| Minnesota | Bois Forte Tribal Council. |
| Minnesota | Fond Du Lac Reservation. |
| Minnesota | Leech Lake Band of Ojibwe. |
| Minnesota | Minneapolis American Indian Center. |
| Mississippi | Mississippi Band of Choctaw Indians. |
| Missouri | American Indian Council. |
| Montana | B.C. of The Chippewa Cree Tribe. |
| Montana | Blackfeet Tribal Business Council. |
| Montana | Crow Tribe of Indians. |
| Montana | Montana United Indian Association. |

ATTACHMENT A.—CURRENT GRANTEES RECEIVING WAIVERS—Continued

| State | Grantee name |
|----------------------|--|
| Montana | Northern Cheyenne Tribe. |
| Nebraska | Indian Center, Inc. |
| Nebraska | Omaha Tribe of Nebraska. |
| Nevada | Inter-Tribal Council of Nevada, Inc. |
| Nevada | Las Vegas Indian Center, Inc. |
| New Mexico | Alamo Navajo School Board. |
| New Mexico | Eight Northern Indian Pueblo Council. |
| New Mexico | Five Sandoval Indian Pueblos, Inc. |
| New Mexico | Jicarilla Apache Tribe. |
| New Mexico | Mescalero Apache Tribe. |
| New Mexico | National Indian Youth Council. |
| New Mexico | Pueblo of Acoma. |
| New Mexico | Pueblo of Isleta. |
| New Mexico | Pueblo of Taos. |
| New Mexico | Ramah Navajo School Board, Inc. |
| New Mexico | Santa Clara Indian Pueblo. |
| New Mexico | Santo Domingo Tribe. |
| New York | American Indian Community House, Inc. |
| New York | Native American Community Services of Erie and Niagara Counties. |
| New York | Native American Cultural Center, Inc. |
| New York | St. Regis Mohawk Tribe. |
| North Carolina | Cumberland County Association for Indian People, Inc. |
| North Carolina | Eastern Band of Cherokee Indians. |
| North Carolina | Guilford Native American Association. |
| North Carolina | Haliwa-Saponi Tribe, Inc. |
| North Carolina | Lumbee Regional Development Association, Inc. |
| North Carolina | Metrolina Native American Association. |
| North Carolina | North Carolina Commission on Indian Affairs. |
| North Dakota | Standing Rock Sioux Tribe. |
| North Dakota | Turtle Mountain Band of Chippewa Indians. |
| North Dakota | United Tribes Technical College. |
| Ohio | North American Indian Cultural Center, Inc. |
| Oklahoma | Absentee Shawnee Tribe. |
| Oklahoma | Cheyenne Arapaho Tribes of Oklahoma. |
| Oklahoma | Comanche Tribe of Oklahoma. |
| Oklahoma | Creek Nation of Oklahoma. |
| Oklahoma | Four Tribes Consortium of Oklahoma. |
| Oklahoma | Inter-Tribal Council of Northeast Oklahoma. |
| Oklahoma | Kiowa Tribe of Oklahoma. |
| Oklahoma | Otoe-Missouria Tribe. |
| Oklahoma | Ponca Tribe of Oklahoma. |
| Oklahoma | Seminole Nation of Oklahoma. |
| Oklahoma | Tonkawa Tribe of Oklahoma. |
| Oklahoma | United Urban Indian Council, Inc. |
| Oklahoma | Wyandotte Nation. |
| Oregon | Confederated Tribes of the Umatilla Indian Reservation. |
| Oregon | Confederated Tribes of Warm Springs. |
| Oregon | Organization of Forgotten Americans, Inc. |
| Pennsylvania | Council of Three Rivers American Indian Center, Inc. |
| Rhode Island | Rhode Island Indian Council, Inc. |
| South Carolina | South Carolina Indian Development Council, Inc. |
| South Dakota | Lower Brule Sioux Tribe. |
| South Dakota | Oglala Sioux Tribe. |
| South Dakota | Yankton Sioux Tribe. |
| Texas | Alabama-Coushatta Indian Tribal Council. |
| Texas | Dallas Inter-Tribal Center. |
| Texas | Ysleta Del Sur Pueblo. |
| Utah | Indian Training and Education Center. |
| Utah | Ute Indian Tribe. |
| Vermont | Abenaki Self-Help Association/N.H. Indian Council. |
| Virginia | Mattaponi Pamunkey Monacan Consortium. |
| Washington | American Indian Community Center. |
| Washington | Confederated Tribes and Bands of the Yakama Nation. |
| Washington | Seattle Indian Center, Inc. |
| Washington | Western Washington Indian Employment and Training. |
| Wisconsin | Lac Courte Oreilles Tribal Governing Board. |
| Wisconsin | Lac Du Flambeau Band of Lake Superior Chippewa Indians, Inc. |
| Wisconsin | Oneida Tribe of Indians. |
| Wisconsin | Spotted Eagle, Inc. |
| Wyoming | Northern Arapahoe Business Council. |

Total Grantees Receiving Waivers: 127.

ATTACHMENT B.—PUBLIC LAW 102–477 GRANTEES RECEIVING WAIVERS

| State | Grantee name |
|--------------|---|
| Alaska | Aleutian-Pribilof Islands Association. |
| Alaska | Association of Village Council Presidents. |
| Alaska | Bristol Bay Native Association. |
| Alaska | Tlingit and Haida Central Council. |
| Alaska | Chugachmiut. |
| Alaska | Cook Inlet Tribal Council. |
| Alaska | Copper River Native Association. |
| Alaska | Kawerak Incorporated. |
| Alaska | Kodiak Area Native Association. |
| Alaska | Metlakatla Indian Community. |
| Alaska | Orutsararmuit Native Council. |
| Alaska | Tanana Chiefs Conference. |
| Arizona | Tohono O'odham Nation. |
| Idaho | Nez Perce Tribe. |
| Idaho | Shoshone-Bannock Tribes. |
| Michigan | Grand Traverse Band of Ottawa and Chippewa Indians. |
| Minnesota | Mille Lacs Band of Ojibwe. |
| Minnesota | Red Lake Band Nation. |
| Minnesota | White Earth Reservation Tribal Council. |
| Montana | Assiniboine and Sioux Tribes. |
| Montana | Confederated Salish & Kootenai Tribes. |
| Montana | Fort Belknap Indian Community. |
| Nebraska | Winnebago Tribe of Nebraska. |
| Nevada | Reno Sparks Indian Colony. |
| Nevada | Shoshone-Paiute Tribes. |
| New Mexico | Pueblo of Laguna. |
| New Mexico | Pueblo of Zuni. |
| New York | Seneca Nation of Indians. |
| North Dakota | Spirit Lake Sioux Nation. |
| North Dakota | Three Affiliated Tribes. |
| Oklahoma | Cherokee Nation. |
| Oklahoma | Chickasaw Nation. |
| Oklahoma | Choctaw Nation. |
| Oklahoma | Citizens Potawatomi Nation. |
| Oklahoma | Osage Nation. |
| Oklahoma | Pawnee Nation of Oklahoma. |
| Oregon | Confederated Tribes of Siletz Indians. |
| South Dakota | Cheyenne River Sioux Tribe. |
| South Dakota | Sicangu Nation (Rosebud Sioux Tribe). |
| South Dakota | Sisseton-Wahpeton Sioux Tribe. |
| Washington | Confederated Tribes of the Colville Reservation. |
| Washington | Makah Tribal Council. |
| Washington | Spokane Tribe of Indians. |
| Washington | Tulalip Tribes of Washington. |
| Wisconsin | Ho-Chunk Nation. |
| Wisconsin | Menominee Indian Tribe. |
| Wisconsin | Stockbridge-Munsee Community. |
| Wyoming | Eastern Shoshone Tribe. |

Total Public Law 102–477 Grantees Receiving Waivers: 48.

ATTACHMENT C.—CURRENT GRANTEES NOT RECEIVING WAIVERS AND AREAS/COUNTIES OPEN FOR COMPETITION AND ASSOCIATED GEOGRAPHIC AREAS

| | Unemployed | Poverty | Youth |
|--|------------|---------|-------|
| <i>State: Alaska</i> | | | |
| <i>Grantee: Open Area</i> | | | |
| Arctic Slope (ANRC) (Anaktuvuk Pass ANVSA) | 50 | 10 | 4 |
| Arctic Slope (ANRC) (Atkasuk ANVSA) | 4 | 30 | 4 |
| Arctic Slope (ANRC) (Barrow ANVSA) | 220 | 295 | 25 |
| Arctic Slope (ANRC) (Kaktovik ANVSA) | 20 | 20 | 4 |
| Arctic Slope (ANRC) (Nuiqsut ANVSA) | 15 | 10 | 4 |
| Arctic Slope (ANRC) (Point Hope ANVSA) | 80 | 100 | 15 |
| Arctic Slope (ANRC) (Point Lay ANVSA) | 4 | 20 | 0 |
| Arctic Slope (ANRC) (Wainwright ANVSA) | 55 | 70 | 4 |
| Arctic Slope (ANRC) (Outside ANVSA's) | 0 | 0 | 0 |

PY 2008 Adult Funding Estimate: \$78,825.00

PY 2009 Adult Funding Estimate: \$78,825.00

PY 2008 Youth Funding Estimate: \$16,352.73

ATTACHMENT C.—CURRENT GRANTEES NOT RECEIVING WAIVERS AND AREAS/COUNTIES OPEN FOR COMPETITION AND
ASSOCIATED GEOGRAPHIC AREAS—Continued

| | Unemployed | Poverty | Youth |
|---|------------|---------|-------|
| PY 2009 Youth Funding Estimate: \$16,352.73 | | | |
| <i>State:</i> Florida | | | |
| <i>Grantee:</i> Open Area | | | |
| Broward County (off reservation) | 190 | 830 | 0 |
| Broward County (Coconut Creek reservation) | 0 | 0 | 0 |
| Broward County (Hollywood reservation) | 10 | 120 | 10 |
| Broward County (Seminole trust land) | 0 | 0 | 0 |
| Glades County (Brighton reservation) | 0 | 15 | 10 |
| Glades County (off reservation) | 4 | 0 | 0 |
| Hendry County (Big Cypress reservation) | 10 | 35 | 20 |
| Hendry County (off reservation) | 4 | 20 | 0 |
| PY 2008 Adult Funding Estimate: \$85,811.97 | | | |
| PY 2009 Adult Funding Estimate: \$85,811.97 | | | |
| PY 2008 Youth Funding Estimate: \$10,901.82 | | | |
| PY 2009 Youth Funding Estimate: \$10,901.82 | | | |
| <i>State:</i> South Dakota and Nebraska | | | |
| <i>Grantee:</i> United Sioux Tribes of South Dakota Development Corporation | | | |
| Knox County (NE—off reservation) | 4 | 25 | 0 |
| Knox County (NE—Santee Reservation only) | 25 | 210 | 40 |
| Aurora County | 0 | 4 | 0 |
| Beadle County | 4 | 50 | 0 |
| Bon Homme County | 4 | 20 | 0 |
| Brookings County | 15 | 95 | 0 |
| Brown County | 70 | 255 | 0 |
| Brule County | 45 | 110 | 0 |
| Buffalo County | 0 | 0 | 0 |
| Butte County | 0 | 15 | 0 |
| Campbell County | 0 | 4 | 0 |
| Charles Mix County (off reservation) | 0 | 0 | 0 |
| Clark County | 0 | 0 | 0 |
| Clay County | 10 | 235 | 0 |
| Custer County | 15 | 40 | 0 |
| Davison County | 0 | 95 | 0 |
| Deuel County | 0 | 4 | 0 |
| Douglas County | 4 | 25 | 0 |
| Edmunds County | 4 | 4 | 0 |
| Fall River County | 20 | 145 | 0 |
| Faulk County | 0 | 4 | 0 |
| Haakon County | 4 | 25 | 0 |
| Hamlin County | 4 | 20 | 0 |
| Hand County | 0 | 0 | 0 |
| Hanson County | 0 | 0 | 0 |
| Harding County | 4 | 4 | 0 |
| Hughes County (off reservation) | 45 | 285 | 0 |
| Hutchinson County | 0 | 4 | 0 |
| Hyde County (off reservation) | 0 | 4 | 0 |
| Jackson County (off reservation) | 4 | 45 | 0 |
| Jerauld County | 0 | 0 | 0 |
| Jones County | 4 | 10 | 0 |
| Kingsbury County | 0 | 4 | 0 |
| Lake County | 0 | 0 | 0 |
| Lawrence County | 20 | 145 | 0 |
| Lincoln County | 15 | 45 | 0 |
| McCook County | 0 | 10 | 0 |
| McPherson County | 0 | 4 | 0 |
| Meade County | 20 | 210 | 0 |
| Miner County | 0 | 0 | 0 |
| Minnehaha County | 190 | 1100 | 0 |
| Moody County (Flandreau reservation) | 25 | 35 | 10 |
| Moody County (off reservation) | 15 | 85 | 0 |
| Pennington County | 565 | 2835 | 0 |
| Perkins County | 10 | 30 | 0 |
| Potter County | 0 | 0 | 0 |
| Sanborn County | 0 | 0 | 0 |
| Spink County | 4 | 10 | 0 |
| Sully County | 0 | 4 | 0 |
| Turner County | 0 | 0 | 0 |
| Union County | 0 | 4 | 0 |

ATTACHMENT C.—CURRENT GRANTEES NOT RECEIVING WAIVERS AND AREAS/COUNTIES OPEN FOR COMPETITION AND ASSOCIATED GEOGRAPHIC AREAS—Continued

| | Unemployed | Poverty | Youth |
|---|------------|---------|-------|
| Walworth County | 75 | 420 | 0 |
| Yankton County | 25 | 90 | 0 |
| Native Hawaiian Imputation | 0 | 36 | 0 |
| PY 2008 Adult Funding Estimate: \$552,616.57 | | | |
| PY 2009 Adult Funding Estimate: \$552,616.57 | | | |
| PY 2008 Youth Funding Estimate: \$13,627.27 | | | |
| PY 2009 Youth Funding Estimate: \$13,627.27 | | | |
| <i>State:</i> Utah | | | |
| <i>Grantee:</i> Navajo Nation | | | |
| San Juan County | 100 | 495 | 0 |
| PY 2008 Adult Funding Estimate: \$41,082.20 | | | |
| PY 2009 Adult Funding Estimate: \$41,082.20 | | | |
| <i>State:</i> Washington | | | |
| <i>Grantee:</i> Lummi Indian Business Council | | | |
| Whatcom County (off reservation) | 185 | 635 | 0 |
| PY 2008 Adult Funding Estimate: \$58,201.16 | | | |
| PY 2009 Adult Funding Estimate: \$58,201.16 | | | |
| <i>State:</i> Washington | | | |
| <i>Grantee:</i> Puyallup Tribe of Indians | | | |
| Pierce County (2/3 of county off reservation) | 140 | 1,085 | 0 |
| PY 2008 Adult Funding Estimate: \$92,129.98 | | | |
| PY 2009 Adult Funding Estimate: \$92,129.98 | | | |
| <i>State:</i> Wisconsin | | | |
| <i>Grantee:</i> Wisconsin Indian Consortium | | | |
| Ashland County (Bad River reservation) | 50 | 290 | 45 |
| Ashland County (off reservation) | 20 | 125 | 0 |
| Bayfield County (Red Cliff reservation) | 85 | 280 | 35 |
| Forest County (Potawatomi (WI) reservation) | 20 | 35 | 4 |
| Forest County (Saokogon Chippewa Community) | 30 | 135 | 15 |
| Forest County (off reservation) | 10 | 110 | 0 |
| Iron County | 4 | 4 | 0 |
| Native Hawaiian Imputation | 1 | 1 | 0 |
| PY 2008 Adult Funding Estimate: \$83,309.34 | | | |
| PY 2009 Adult Funding Estimate: \$83,309.34 | | | |
| PY 2008 Youth Funding Estimate: \$26,982.00 | | | |
| PY 2009 Youth Funding Estimate: \$26,982.00 | | | |
| Total Current Grantees Not Receiving Waivers: 7. | | | |

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BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration**

[Docket No. OSHA-2006-0028]

MET Laboratories, Inc.; Expansion of Recognition**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Notice.**SUMMARY:** This notice announces the Occupational Safety and Health Administration's final decision

expanding the recognition of MET Laboratories, Inc., (MET) as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

DATES: The expansion of recognition becomes effective on January 4, 2008.**FOR FURTHER INFORMATION CONTACT:** MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210, or phone (202) 693-2110.**SUPPLEMENTARY INFORMATION:****Notice of Final Decision**

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of MET Laboratories, Inc., (MET) as a Nationally Recognized Testing Laboratory (NRTL). MET's expansion covers the use of additional test standards. OSHA's current scope of recognition for MET may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/nrtl/met.html>.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization