

demonstration, the current Western Region managed care support contractor will continue to be exempt from the underwriting provisions for the cost of civilian health care in the State of Alaska. The contractor shall provide all the services required for Alaska as specified in the TRICARE Operations Manual, Chapter 23, but will not be responsible for the underwriting fee associated with providing those services under that chapter. All other provisions contained in the TRICARE managed care support contract, TRICARE Operations Manual (6010.51-M), TRICARE Policy Manual (6010.54-M), TRICARE Systems Manual (7950.1-M), and TRICARE Reimbursement Manual (6010.55-M), shall apply in Alaska.

#### **B. Description of Extension of Demonstration Project**

The demonstration project will now be extended for one additional year (March 31, 2010).

Dated: February 17, 2009.

#### **Patricia Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. E9-3706 Filed 2-20-09; 8:45 am]

**BILLING CODE 5001-06-P**

## **DEPARTMENT OF DEFENSE**

### **Department of the Air Force**

#### **2005 Base Closure and Realignment (BRAC) Recommendations for the Joint Strike Fighter Initial Joint Training Site at Eglin Air Force Base, FL**

**ACTION:** Record of Decision (ROD).

**SUMMARY:** On February 5, 2009, the United States Air Force signed the ROD for the implementation of the BRAC 2005 recommendations for the Joint Strike Fighter (JSF) Initial Joint Training Site (IJTS) at Eglin Air Force Base (AFB), Florida. The ROD states the Air Force decision to implement portions of the Alternative 1 cantonment and Alternative 1 flight training action alternatives, by allowing delivery of 59 aircraft, associated cantonment construction, and limiting flight training operations until a Supplemental Environmental Impact Statement (EIS) is completed. The decision was based on matters discussed in the Final EIS, inputs from the public and regulatory agencies, and other relevant factors. On October 17, 2008 the Final EIS Notice of Availability was published in the **Federal Register** (Volume 73, Number 202, Page 61859) with the waiting

period for signing the ROD ending on November 17, 2008.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Spaits, Public Affairs Officer, 96 ABW/PA, Eglin AFB, FL 32542-500, phone (850) 882-2878.

#### **Bao-Anh Trinh,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. E9-3714 Filed 2-20-09; 8:45 am]

**BILLING CODE 5001-06-P**

## **DEPARTMENT OF DEFENSE**

### **Department of the Navy**

#### **Notice of Availability of Government-Owned Inventions; Available for Licensing**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy. U.S. Patent No. 5,693,794: Caged Polynitramine Compound, Navy Case No. 70631.

**ADDRESSES:** Requests for copies of the inventions cited should be directed to Naval Air Warfare Center Weapons Division, Code 4L4400D, 1900 N. Knox Road Stop 6312, China Lake, CA 93555-6106 and must include the Navy Case number.

#### **FOR FURTHER INFORMATION CONTACT:**

Michael D. Seltzer, Ph.D., Head, Technology Transfer Office, Naval Air Warfare Center Weapons Division, Code 4L4400D, 1900 N. Knox Road Stop 6312, China Lake, CA 93555-6106, *telephone:* 760-939-1074, *FAX:* 760-939-1210, *E-mail:* michael.seltzer@navy.mil.

(Authority: 35 U.S.C. 207, 37 CFR Part 404.7)

Dated: February 13, 2009.

#### **A.M. Vallandingham,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. E9-3751 Filed 2-20-09; 8:45 am]

**BILLING CODE 3810-FF-P**

## **DEPARTMENT OF DEFENSE**

### **Department of the Navy**

#### **Notice of Closed Meeting of the Chief of Naval Operations (CNO) Executive Panel**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The CNO Executive Panel will report on the findings and

recommendations of the Piracy Subcommittee to the Chief of Naval Operations. The executive session of this meeting will consist of discussions of current and national and Naval strategies, plans, and policies as they relate to counter-piracy efforts from a U.S. Navy perspective, both as an independent entity and as a member of a coalition task force. The discussion of such information would be exempt from public disclosure as set forth in sections 552b(c)(5), (6), and (7) of title 5, United States Code. For this reason the executive session of this meeting will be closed to the public.

**DATES:** The closed Executive Session will be held on March 11, 2009 from 12:30 p.m. to 3 p.m.

**ADDRESSES:** The meeting will be held at CNA Building, 4825 Mark Center Drive, Alexandria, VA 22311-1846, Room 1A01.

**FOR FURTHER INFORMATION CONTACT:** Bree A. Hartlage, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311-1846, *telephone:* 703-681-4907.

**SUPPLEMENTARY INFORMATION:** This notice of meeting is provided per the Federal Advisory Committee Act, as amended (5 U.S.C. App.). The executive session of this meeting will consist of discussions of current and national and Naval strategies, plans, and policies as they relate to counter-piracy efforts from a U.S. Navy perspective, both as an independent entity and as a member of a coalition task force. Discussion of such information cannot be adequately segregated from other topics, which precludes opening the executive session of this meeting.

Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because it will be concerned with matters listed in sections 552b(c)(5), (6), and (7) of title 5, United States Code.

Dated: February 13, 2009.

#### **A.M. Vallandingham,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. E9-3754 Filed 2-20-09; 8:45 am]

**BILLING CODE 3810-FF-P**

## **DEPARTMENT OF EDUCATION**

#### **Office of Special Education and Rehabilitative Services; Overview Information; Recreational Programs; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009**

*Catalog of Federal Domestic Assistance (CFDA) Number: 84.128J.*

*Dates:*

*Applications Available:* February 23, 2009.

*Deadline for Transmittal of Applications:* April 24, 2009.

*Deadline for Intergovernmental Review:* June 23, 2009.

**Full Text of Announcement****I. Funding Opportunity Description**

*Purpose of Program:* The purpose of the Recreational Programs is to provide individuals with disabilities with recreational activities and related experiences to aid in their employment, mobility, socialization, independence, and community integration. The local recreation projects that are funded under this program will continue after Federal assistance ends.

Pursuant to 34 CFR 369.42(a), Recreational Programs must provide services in the same manner as services provided under the State plan for vocational rehabilitation services under 34 CFR 361. Under the State plan vocational rehabilitation services must be provided to assist individuals with disabilities, including youths with disabilities transitioning from school to work, to achieve an employment outcome; therefore, services provided under Recreational Programs also must be directed to these adults and transitioning youths.

**Statutory Requirements**

All applicants seeking funding under this competition must—

(a) Describe the manner in which the applicant will address the needs of individuals with disabilities from minority backgrounds (section 21(c) of the Rehabilitation Act of 1973, as amended) (the Act);

(b) Describe the manner in which the findings and results of the project to be funded under the grant, particularly information that facilitates the replication of the results of that project, will be made generally available (section 305(a)(4)(A) of the Act);

(c) Demonstrate ways in which recreational activities assist in maximizing the independence and integration of individuals with disabilities into community-based recreational programs (section 305(a)(1)(C) of the Act);

(d) Assure that the project will maintain, at a minimum, the same level of services over the three-year project period (section 305(a)(5) of the Act);

(e) Describe how the service program funded under the grant will be continued after Federal assistance ends (section 305(a)(4)(B) of the Act); and

(f) Provide non-Federal resources (in cash or in-kind) to pay the non-Federal

share cost of the project in year two at 25 percent of the year one Federal grant and in year three at 50 percent of the year one Federal grant (section 305(a)(3)(B) of the Act).

*Priority:* This priority is from the notice of final priority for this program, published in the **Federal Register** on April 19, 2001 (66 FR 20176).

*Absolute Priority:* For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Projects must provide recreational services to individuals with disabilities. Recreational services include, but are not limited to, vocational skills development, leisure education, leisure networking, leisure resource development, physical education and sports, scouting and camping, 4-H activities, music, dancing, handicrafts, art, and homemaking. Recreational services do not include the construction of facilities for aquatic rehabilitation therapy. Projects must provide recreational services to individuals with disabilities in settings with peers who are not individuals with disabilities.

*Program Authority:* 29 U.S.C. 775.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, and 86. (b) The regulations for this program in 34 CFR part 369. (c) The notice of final priority published in the **Federal Register** on April 19, 2001 (66 FR 20176).

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

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

**II. Award Information**

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* The Administration's budget request for FY 2009 does not include funds for this program. However, we are inviting applications to allow enough time to complete the grant process before the end of the current fiscal year, if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2010 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:* \$130,000–\$140,000.

*Estimated Average Size of Awards:* \$130,000.

*Estimated Number of Awards:* 7.

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

*Project Period:* Up to 36 months.

**III. Eligibility Information**

1. *Eligible Applicants:* States, public agencies, and nonprofit private organizations.

2. *Cost Sharing or Matching:* The Federal share of the cost of a project is 100 percent in the first year, 75 percent of the year one cost in the second year, and 50 percent of the year one cost in the third year. The local match may be in cash or in-kind contributions. See section 305(a)(3) of the Act.

**IV. Application and Submission Information**

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244.

If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

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

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.128J.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

3. *Submission Dates and Times:* *Applications Available:* February 23, 2009.

*Deadline for Transmittal of Applications:* April 24, 2009.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (<http://www.grants.gov>). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* of this notice.

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

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under *For Further Information Contact* in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

*Deadline for Intergovernmental Review:* June 23, 2009.

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

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

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

a. *Electronic Submission of Applications.*

Applications for grants under the Recreational Programs, CFDA number 84.128J, must be submitted electronically using the Governmentwide Grants.gov Apply site at <http://www.grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for Recreational Programs at <http://www.grants.gov>. You must search

for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.128, not 84.128J).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see [http://www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp)). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step

Registration Guide (see <http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf>).

You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

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

- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

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

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

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

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must

obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under *For Further Information Contact* in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

**Exception to Electronic Submission Requirement:** You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
  - You do not have the capacity to upload large documents to the Grants.gov system; and
  - No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.
- If you mail your written statement to the Department, it must be postmarked

no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Ed Hofler, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, PCP, Washington, DC 20202-2800. FAX: (202) 245-7592.

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

#### *b. Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.128J), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

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

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

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

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

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

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following

address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.128J), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

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

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

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

### **V. Application Review Information**

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

In addition to the selection criteria used in accordance with the procedures in 34 CFR 75, the Secretary, under 34 CFR 369.32, considers such factors as the geographical distribution of projects in each program category throughout the country and the past performance of the applicant in carrying out similar activities under previously awarded grants.

### **VI. Award Administration Information**

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

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

#### **2. Administrative and National Policy Requirements:**

We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

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

application as part of your binding commitments under the grant.

3. **Reporting:** At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. **Performance Measures:** Under the Government Performance and Results Act of 1993 (GPRA), a measure has been developed for evaluating the overall effectiveness of Recreational Programs: The percentage of projects in operation one, two, and three years after Federal funding ends. The Rehabilitation Services Administration (RSA) collects data on this measure by contacting grantees once a year after the project period has ended. All grantees will be expected to submit an annual performance report documenting their success in maintaining the same level of service over their three-year project period and to provide information to RSA when they are contacted about their ongoing activities after the project period has ended.

#### VII. Agency Contact

**For Further Information Contact:** Ed Hoffer, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, Potomac Center Plaza (PCP), Washington, DC 20202-2800. Telephone: (202) 245-7377 or by e-mail: [ed.hoffer@ed.gov](mailto:ed.hoffer@ed.gov).

If you use a TDD, call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

#### VIII. Other Information

**Accessible Format:** Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202-2550. Telephone: (202) 245-7363. If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

**Electronic Access to This Document:** You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document

Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

**Delegation of Authority:** The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for Special Education and Rehabilitative Services to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated: February 18, 2009.

**Andrew J. Pepin,**

*Executive Administrator for Special Education and Rehabilitative Services.*

[FR Doc. E9-3813 Filed 2-20-09; 8:45 am]

**BILLING CODE 4000-01-P**

### DEPARTMENT OF EDUCATION

#### Office of Special Education and Rehabilitative Services; List of Correspondence

**AGENCY:** Department of Education.

**ACTION:** List of correspondence from July 1, 2008 through September 30, 2008.

**SUMMARY:** The Secretary is publishing the following list pursuant to section 607(f) of the Individuals with Disabilities Education Act (IDEA). Under section 607(f) of the IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the U.S. Department of Education (Department) received by individuals during the previous quarter that describes the interpretations of the Department of the IDEA or the regulations that implement the IDEA.

**FOR FURTHER INFORMATION CONTACT:** Laurel Nishi or Mary Louise Dirrigl. Telephone: (202) 245-7468.

If you use a telecommunications device for the deaf (TDD), you can call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of this notice in an accessible format (e.g., braille, large print, audiotope, or computer diskette) on request to the contact persons listed

under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** The following list identifies correspondence from the Department issued from July 1, 2008 through September 30, 2008. Included on the list are those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date of and topic addressed by each letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

#### Part B—Assistance for Education of All Children With Disabilities

##### Section 612—State Eligibility

Topic Addressed: Least Restrictive Environment.

- Letter dated July 9, 2008 to Vermont Parent Information Center Lead Family Consultant Martha Frank, clarifying the factors that must be considered when a parent requests a public placement for their child at a private postsecondary institution.

Topic Addressed: State Educational Agency General Supervisory Authority.

- Letter dated July 1, 2008 to individuals (personally identifiable information redacted), concerning requirements for timely State complaint resolutions.

- Letter dated July 1, 2008 to Decatur, Georgia Attorney Jonathan A. Zimring concerning the minimum State complaint procedures in the regulations for Part B of the IDEA and concerns about the Georgia State educational agency's resolution of a particular State complaint.

- Letter dated July 9, 2008 to individual (personally identifiable information redacted), concerning the minimum State complaint procedures in the regulations for Part B of the IDEA and concerns about a State educational agency's resolution of a particular State complaint.

- Letter dated July 9, 2008 to The ARC of Pennsylvania Executive Director Stephen H. Suroviec, declining his request for the Office of Special Education Programs to conduct an investigation of the Pennsylvania Department of Education's (PDE) due process system, describing the minimum State complaint procedures in the regulations for Part B of the IDEA,