

(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 84.116S), 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 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 evaluating the applications for this program are from 34 CFR 75.210 and are listed in the application package.

#### 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 (GPRA), the Department will use the following measures to assess the performance of this program:

(a) The percentage of FIPSE grantees reporting project dissemination to others.

(b) The percentage of FIPSE projects reporting institutionalization on their home campuses.

If funded, you will be asked to collect and report data on these measures in your project's annual performance report (34 CFR 75.590). Applicants are also advised to consider these two measures in conceptualizing the design, implementation, and evaluation of the proposed project because of their importance in the application review process. Collection of data on these measures should be part of the project evaluation plan, along with any measures of progress on goals and objectives that are specific to your project.

#### VII. Agency Contacts

*For Further Information Contact:* Krish Mathur, FIPSE—Fund for the Improvement of Postsecondary Education, 1990 K Street, NW., Room 6155, Washington, DC 20006-8544. Telephone: (202) 502-7512 or by e-mail: [krish.mathur@ed.gov](mailto:krish.mathur@ed.gov).

If you use a TDD, call the 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, audiotape, or computer diskette) on request to the program contact person listed under *For Further Information Contact* in section VII of this notice.

*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 Daniel T. Madzellan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions of the Assistant Secretary for Postsecondary Education.

Dated: May 5, 2009.

**Daniel T. Madzellan,**

*Director, Forecasting and Policy Analysis.*

[FR Doc. E9-10809 Filed 5-7-09; 8:45 am]

BILLING CODE 4000-01-P

#### DEPARTMENT OF EDUCATION

**Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) CFDA No. 84.334S (State Grants) and 84.334A (Partnership Grants)**

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice of intent to fund down the fiscal year (FY) 2008 grant slate for the GEAR UP Program.

**SUMMARY:** The Secretary intends to use the grant slate developed in FY 2008 for the GEAR UP Program authorized by Title IV, Part A, of the Higher Education Act of 1965, as amended (HEA), to make new grant awards in FY 2009. The Secretary takes this action because a significant number of high-quality applications remain on last year's grant slate. We expect to use an estimated \$9,789,000 for new awards in FY 2009.

**FOR FURTHER INFORMATION CONTACT:**

James Davis, U.S. Department of Education, 1990 K Street, NW., room 6109, Washington, DC 20006-8524. Telephone: (202) 502-7676 or via Internet: [James.Davis@ed.gov](mailto:James.Davis@ed.gov).

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

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 5, 2007, we published a notice in the **Federal Register** (72 FR 62499) inviting applications for new awards under the GEAR UP Program.

In response to this notice, we received a significant number of high-quality applications and made seven new State grant awards and 31 new Partnership grant awards. However, many applications that were awarded high scores by peer reviewers did not receive funding in FY 2008 due to the level of appropriations.

The Department's FY 2009 appropriation is sufficient to allow the Department to make continuation awards to the 38 current grantees, and have funds still available for new awards under this program for FY 2009. Rather than using program funds for a new peer review process, the Department has decided to use the remaining funds after continuation awards are made to select grantees in FY 2009 from the existing slate of applicants. This slate was developed during the FY 2008 competition using the selection criteria referenced in the **Federal Register** notice.

**Note:** To be eligible to receive a grant pursuant to this notice, all applicants being considered for funding based on the funding slate for the FY 2008 competition must meet

all statutory and regulatory eligibility criteria and other requirements for this program.

**Program Authority:** 20 U.S.C. 1070a-21-1070-28.

**Electronic Access to This Document:**

You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF), on the Internet at the following site: <http://www.ed.gov/news/fedregister>. To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

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**Delegation of Authority:** The Secretary of Education has delegated authority to Daniel T. Madzelan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions of the Assistant Secretary for Postsecondary Education.

Dated: May 5, 2009.

**Daniel T. Madzelan,**

*Director, Forecasting and Policy Analysis.*

[FR Doc. E9-10810 Filed 5-7-09; 8:45 am]

**BILLING CODE 4000-01-P**

## ELECTION ASSISTANCE COMMISSION

### Sunshine Act Notice

**AGENCY:** U.S. Election Assistance Commission.

**ACTION:** Notice of Virtual Public Forum for EAC Board of Advisors (Amended).

**DATE AND TIME:** Monday, May 11, 2009, 9 a.m. EDT through Friday, May 15, 2009, 9 p.m. EDT.

**PLACE:** EAC Board of Advisors Virtual Meeting Room at <http://www.eac.gov>. Once at the main page of EAC's Web site, viewers should click the link to the Board of Advisors Virtual Meeting Room. The virtual meeting room will open on Monday, May 11, 2009, at 9 a.m. EDT and will close on Friday, May 15, 2009, at 9 p.m. EDT. The site will be available 24 hours per day during that 5-day period.

**PURPOSE:** The EAC Board of Advisors will review and provide comment on Phase I of the draft Election Operations Assessment. Phase I of the project is an information gathering and modeling phase designed to create the framework

for the remaining two phases of the project. The scope of the document and the project that created it are geared toward the procedures and equipment that move the ballot through the electoral process. The end goal of the election operations assessment is to create a work product that will allow the EAC to evaluate security risks to various types of voting systems (*i.e.* hand counted paper ballots, Precinct Based Optical Scan, or Remote Electronic Systems, etc.) and in order to better inform their work with future iterations of the Voluntary Voting System Guidelines. In addition, the assessment will allow policy makers and election officials to assess the potential risks to systems that they are looking to purchase in the future.

The EAC Board of Advisors Virtual Meeting Room was established to enable the Board of Advisors to conduct business in an efficient manner in a public forum, including being able to review and discuss draft documents, when it is not feasible for an in-person board meeting. The Board of Advisors will not take any votes or propose any resolutions during the 5-day forum of May 11-15, 2009.

This activity is open to the public. The public may view the Proceedings of this forum by visiting the eac board of advisors Virtual meeting room at <http://www.eac.gov> at any time between Monday, May 11, 2009, 9 a.m. EDT and Friday, May 15, 2009, 9 p.m. EDT. The public also may view the election operations assessment, which will be posted on EAC's Web site beginning May 11, 2009. The public may file written statements to the EAC board of advisors at [boardofadvisors@eac.gov](mailto:boardofadvisors@eac.gov). Data on EAC's Web site is accessible to visitors with disabilities and meets the requirements of section 508 of the rehabilitation act.

This meeting will be open to the public.

### STATEMENT OF EXCEPTIONAL

**CIRCUMSTANCES:** The May 5, 2009 notice of the EAC Board of Advisors Virtual Meeting inadvertently omitted the following important information: Notice of the special forum will not be published in the **Federal Register** 15 days prior to the dates that the forum will be open. Late notice was unavoidable due to the short timeline remaining in Phase I of the Elections Operation Assessment project. The timetable for the noticed forum was expedited to allow the EAC Board of Advisors an opportunity to review and comment on the draft document.