

**SUPPLEMENTARY INFORMATION:** Elsewhere in this issue of the **Federal Register**, the Department has amended the definition of the term *consortium* in the regulations for the AIVRS program (34 CFR 371.4(b)). The purpose of this regulatory change is to ensure that any consortium of Indian tribes could establish a separate legal entity to apply for a grant under this program. Prior to this regulatory change, the Department's definition of the term *consortium* under the AIVRS program required Indian tribes that choose to form a consortium to designate one of the Indian tribes of the consortium to serve as the grantee; it did not also permit the Indian tribes in the consortium to create a separate legal entity that would serve as the grantee on behalf of the consortium and be responsible for using the grant funds to provide services to all the Indian tribes in the consortium. To ensure that the change in the regulatory definition of the term *consortium* under the AIVRS program applies to entities applying for a FY 2009 grant, we are reopening the competition and establishing a new deadline for the submission of applications.

Only groups of Indian tribes that seek to apply for funding under the AIVRS program as a consortium using a separate legal entity as the applicant are permitted to submit an application under this reopened competition. Applicants that submitted applications by the July 23, 2009, deadline date in accordance with the terms of the May 14, 2009, notice inviting applications are not required to submit new applications. If an applicant that has already submitted an application for this competition now chooses to join a consortium and have a separate legal entity apply on behalf of the consortium, the applicant must notify the Department and reapply using the separate legal entity as the applicant by the deadline date in this notice.

The new deadline date is:

*Deadline for Transmittal of Applications:* September 11, 2009.

For information (other than the deadline for submission) about how to submit your application, please refer to section IV. 6. *Other Submission Requirements* in the May 14, 2009 **Federal Register** notice (74 FR 22729).

*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>.

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**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 the Office of Special Education and Rehabilitative Services, to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated: August 7, 2009.

**Andrew J. Pepin,**

*Executive Administrator for Special Education and Rehabilitative Services.*

[FR Doc. E9-19333 Filed 8-11-09; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### APOGEE Medical, LLC

**AGENCY:** Department of Energy.

**ACTION:** Notice of intent to grant exclusive patent license.

**SUMMARY:** Notice is hereby given with an intent to grant to APOGEE Medical, LLC of Atlanta, Georgia, an exclusive license to practice the inventions described in U.S. Patent No. 5,413,596, entitled "Digital Electronic Bone Growth Stimulator." The inventions are owned by the United States of America, as represented by the U.S. Department of Energy (DOE).

**DATES:** Written comments or nonexclusive license applications are to be received at the address listed below no later than August 27, 2009.

**ADDRESSES:** Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Annette R. Reimers, Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, Forrestal Building, Room 6F-067, 1000 Independence Ave., SW., Washington, DC 20585; Telephone (202) 586-3815.

**SUPPLEMENTARY INFORMATION:** 35 U.S.C. 209 provides Federal agencies with authority to grant exclusive licenses in federally-owned inventions, if, among

other things, the agency finds that the public will be served by the granting of the license. The statute requires that no exclusive license may be granted unless public notice of the intent to grant the license has been provided, and the agency has considered all comments received in response to that public notice before the end of the comment period.

APOGEE Medical, LLC of Atlanta, Georgia has applied for an exclusive license to practice the inventions embodied in U.S. Patent No. 5,413,596 and has plans for commercialization of the inventions. The exclusive license will be subject to a license and other rights retained by the U.S. Government and other terms and conditions to be negotiated. DOE intends to negotiate to grant the license, unless, within 15 days of this notice, the Assistant General Counsel for Technology Transfer and Intellectual Property, Department of Energy, Washington, DC 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reason why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention in which applicant states that it already has brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Department will review all timely written responses to this notice and will proceed with negotiating the license if, after consideration of written responses to this notice, a finding is made that the license is in the public interest.

Issued in Washington, DC, on August 6, 2009.

**Paul A. Gottlieb,**

*Assistant General Counsel for Technology Transfer and Intellectual Property.*

[FR Doc. E9-19298 Filed 8-11-09; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP09-451-000]

### Tennessee Gas Pipeline Company; Notice of Application

August 5, 2009.

Take notice that on July 31, 2009, Tennessee Gas Pipeline Company (Tennessee), 1001 Louisiana Street, Houston, Texas 77002, filed in Docket No. CP09-451-000, an application