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## DEPARTMENT OF EDUCATION

### Office of Elementary and Secondary Education Overview Information; Indian Education Formula Grants to Local Educational Agencies

Notice inviting applications for fiscal year (FY) 2010.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.060A.

#### Dates:

*Part I of the Formula Grant Electronic Application System for Indian Education (EASIE) Applications Available:* January 4, 2010. *Deadline for Transmittal of PART I Applications:* February 12, 2010.

*Part II of Formula Grant (EASIE) Applications Available:* April 5, 2010. *Deadline for Transmittal of Part II Applications:* May 5, 2010.

Applications that do not meet both the deadline for Part I and the deadline for Part II will not be considered for funding in the initial allocation of awards. If, after the initial allocation of funds, the Secretary determines that funds are not needed by an LEA that filed on time or that additional funds have otherwise become available, the Secretary may reallocate those funds to LEAs not included in the initial allocation. Such allocations might not be made in the same amount, or at the same time, as if the LEA had applied on time.

*Deadline for Intergovernmental Review:* July 5, 2010.

#### SUPPLEMENTARY INFORMATION:

*Purpose of Program:* The Indian Education Formula Grants to Local

Educational Agencies program provides grants to support local educational agencies (LEAs) and other eligible entities described in this notice in their efforts to reform and improve elementary and secondary school programs that serve Indian students. The Department funds programs designed to help Indian students meet the same challenging State academic content and student academic achievement standards used for all students. In addition, under section 7116 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), the Secretary will, upon receipt of an acceptable plan for the integration of education and related services, authorize the entity receiving the funds under this program to consolidate, in accordance with the entity's plan, the funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, that are awarded under a statutory or administrative formula to the entity, for the purpose of providing education and related services to Indian students. Instructions for submitting an integration of education and related services plan are included in the EASIE described elsewhere in this notice under *Application Process and Submission Information*.

*Eligible Applicants:* LEAs, including charter schools authorized as LEAs under State law, certain schools funded by the Bureau of Indian Education of the Department of the Interior, and Indian tribes under certain conditions, as prescribed by section 7112(c) of the ESEA.

*Application Process and Submission Information:* Formula Grant EASIE is an easy-to-use, electronic application system. It communicates with data from State submissions to ED*Facts*, the Department's data collection system that contains performance information from State educational agencies about schools and Federal education programs. To the extent that your State has provided the necessary ED*Facts* data files, Formula Grant EASIE will be able to interface with ED*Facts* and pull those LEA-specific data into the application. Additionally, this system allows the Department to review applications and interact online with applicants during the application review and approval process.

Although you may download and print sample forms from the system, the application must be submitted electronically through the Formula Grant EASIE unless you do not have Internet access and have made prior arrangements with the Department. For

approval to submit a paper application, you must contact the ED*Facts* Partner Support Center (see the contact information listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**) prior to the deadline for transmittal of both Part I and Part II—applications. If you are approved to submit a paper application, you must meet the submission deadlines included in this notice.

Registration for Formula Grant EASIE is required. For information on how to register, contact the ED*Facts* Partner Support Center listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**.

The Formula Grant EASIE application is divided into two parts—Part I and Part II.

Part I, Student Count, provides the appropriate data entry screens to submit your Indian student count totals.

Part II, Program and Budget Information, provides your award amount based on the Indian student count total submitted under Part I. Part II also enables you to enter student performance data, identify your project's services and activities, and build a realistic program budget based on a known grant amount. Based on student assessment data, you will select your program objectives and services from a variety of menu options that were designed with grantee input.

*Estimated Available Funds:* The Administration has requested \$99,331,000 for this program for FY 2010. The actual level of funding, if any, depends on final Congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

*Estimated Range of Awards:* \$4,000–\$2,000,000.

*Estimated Average Size of Awards:* \$78,460.

*Estimated Number of Awards:* 1,266.

**Note:** The Department is not bound by any estimates in this notice and funding levels may change based on final appropriations for the program.

*Project Period:* 12 months.  
*Applicable Regulations:* The Education Department General Administrative Regulations (EDGAR) in 34 CFR 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

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

*Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness and efficiency of the Indian Education Formula Grants to

Local Educational Agencies program: (1) The percentage of American Indian and Alaska Native students in grades four and eight who score at or above the basic level in reading on the National Assessment of Educational Progress (NAEP); (2) the percentage of American Indian and Alaska Native students in grades four and eight who score at or above the basic level in mathematics on the NAEP; (3) the percentage of American Indian and Alaska Native students in grades three through eight meeting State performance standards by scoring at the proficient or the advanced levels in reading and mathematics on State assessments; (4) the difference between the percentages of American Indian and Alaska Native students in grades 3 through 8 at the proficient or advanced levels in reading and mathematics on State assessments and the percentage of all students scoring at those levels; (5) the percentage of American Indian and Alaska Native students who graduate from high school; and (6) the percentage of funds used by grantees prior to award close-out.

**FOR FURTHER INFORMATION CONTACT:**

Contact the ED*Facts* Partner Support Center, telephone: 877-457-3336 (877-HLP-EDEN) or by e-mail at: [eden\\_OIE@ed.gov](mailto:eden_OIE@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the ED*Facts* Partner Support Center, toll free, at 1-888-403-3336 (888-403-EDEN).

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 ED*Facts* Partner Support Center.

*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>.

**Program Authority:** 20 U.S.C. 7421 *et seq.*

Dated: December 4, 2009.

**Thelma Meléndez de Santa Ana,**

*Assistant Secretary for Elementary and Secondary Education.*

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**DEPARTMENT OF ENERGY**

**Grace Period From Enforcement of Energy-Efficiency Certification for Residential Products**

**AGENCY:** Office of the General Counsel, U.S. Department of Energy.

**ACTION:** Notice.

**SUMMARY:** This notice announces the Department of Energy's (DOE) intent to allow manufacturers subject to certain certification requirements to remedy deficiencies in their certification submissions and/or to certify covered products. DOE will refrain from initiating an enforcement action for any violations of 10 CFR 430.62 that are remedied prior to 30 days from the date of this Notice.

**DATES:** This Notice is effective December 9, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Laura Barhydt at 202-287-5772.

**SUPPLEMENTARY INFORMATION:** The Energy Policy and Conservation Act of 1974, as amended, (EPCA or the "Act") authorizes the Department of Energy (DOE or the "Department") to enforce compliance with the energy conservation standards established for certain consumer products. 42 U.S.C. 6299-6304. To ensure that all covered products distributed in the United States comply with DOE's energy conservation standards, the Department has promulgated enforcement regulations, which include specific certification requirements. See 10 CFR part 430, subpart F. Specifically, the Department's rules require manufacturers of covered consumer products to "certify by means of a compliance statement and a certification report that each basic model(s) meets the applicable energy conservation standard," before distributing it in commerce within the United States. 10 CFR 430.62.

On October 14, 2009, DOE issued guidance setting forth the Department's interpretation of its enforcement regulations. (74 FR 52793) The guidance clarified that a failure to certify covered products in accordance with DOE's rules is an independent violation of EPCA and DOE's implementing regulations and may be subject to

enforcement action, including the imposition of civil penalties. The guidance also announced the Department's intent to exercise its enforcement authority more rigorously in the future, beginning with a compliance review of certification reports for products and equipment covered by DOE regulations.

DOE has initiated the compliance review announced in the October 14, 2009 **Federal Register** notice. We recognize, however, that DOE's clarification regarding certification obligations combined with its intent to enforce all regulatory obligations much more vigorously were not anticipated by the market. Moreover, some manufacturers previously have been given, on an *ad hoc* basis, a thirty day grace period to cure defective certifications.

DOE's goal is threefold: (1) To ensure compliance with its regulations; (2) to sanction those who fail to comply with those regulations; and (3) to treat all those subject to the regulations fairly and equally. To accomplish this goal, DOE therefore believes that a one-time grace period of very limited duration and scope is warranted to allow manufacturers to immediately review previously submitted certification reports and compliance statements for accuracy and completeness. The grace period will also allow any manufacturers who have not previously submitted the required information to come into compliance.

We hereby notify all manufacturers of covered products that for 30 days from this Notice DOE will refrain from initiating enforcement actions for violations of the certification regulations set forth in 10 CFR 430.62. We strongly encourage manufacturers to take advantage of this limited window to review, correct, and file certification reports and compliance statements as needed to come into compliance with our rules. Any violations of DOE's certification rules not remedied by January 8, 2010 will be subject to enforcement action, including the imposition of a civil penalty in accordance with 10 CFR 430.74.

DOE's determination to refrain from initiating enforcement actions for 30 days is limited to violations of the certification requirements specified in 10 CFR 430.62. This grace period does not apply to violations of the energy efficiency or water conservation standards or any other requirements set forth in EPCA or DOE's implementing regulations. DOE intends to pursue immediately and aggressively all violations of the Department's energy