

In addition to the observations, a contractor will conduct a RDD telephone survey to determine mouthing behaviors of 400 children between 37 and 72 months old, as reported by the parent. This age group will not be observed.

The Commission will use all this information to estimate the frequency and duration of children's mouthing activities, by age. Interested persons may obtain a more detailed description of the intended study from the Commission's Office of the Secretary.

### C. Burden on Respondents

The Commission's staff estimates that 200 subjects are required for the observation portion of the study. Each subject's total participation time will be approximately 13 hours. For most of this time, however, the child and the caregiver will be engaged in their regular activities. (Time spent in the normal course of a respondent's activities does not count as part of the burden of a collection of information. 5 CFR 1320.3(b)(2).)

The Commission's staff estimates that each child in the observation study, and the persons associated with each child (including parents and other caregivers), will spend an average total of about 3.5 hours among them in reacting specifically to the observer. This is calculated by estimating the time of interacting with one person for a 0.5 hour phone interview, two persons for 1 hour during the in-home interview/habituation period (2 hours total) and an average of 30 person-minutes of interaction relating to the study for each of the 2 observation sessions (1 hour total). Therefore, the total burden hours for these respondents will be about 700 hours (200 × 3.5 hours).

The staff estimates that the number of subjects required for the telephone survey portion of the study is 400. Each subject's total time will be approximately 15 minutes. Therefore, the total burden hours for the telephone survey will be about 100 hours.

Thus, the estimated one-time reporting burden for this collection is 800 hours.

### C. Requests for Comments

The Commission solicits written comments from all interested persons about the proposed survey to determine children's mouthing behaviors. The Commission specifically solicits information about the hourly burden and about any monetary costs that may be imposed by this collection of information. As required by the PRA, the Commission also seeks information relevant to the following topics:

- Whether the collection of information is necessary for the proper performance of the Commission's functions;
- Whether the information will have practical utility for the Commission;
- Evaluate the accuracy of the agency's estimate of the burden on the proposed collection of information, including the validity of the methodology and assumptions used;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information on those who are to respond could be minimized, including by use of automated, electronic, mechanical or other technological collection techniques, or other forms of information technology.

Dated: March 5, 1999.

**Sadye E. Dunn,**

*Secretary, U.S. Consumer Product Safety Commission.*

[FR Doc. 99-5980 Filed 3-10-99; 8:45 am]

BILLING CODE 6355-01-P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Notice of Intent To Grant an Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96-517, the Department of the Air Force announces its intention to grant Rice University (hereafter Rice), a private university in Houston, Texas, an exclusive license in any right, title, and interest the Air Force has in United States Patent No. 5,760,941 issued June 2, 1998. The patent is filed in the name of Air Force employee Dr. Lim Nguyen and Rice employees Dr. James Young and Dr. Benhaam Aazhang for a "System and Method for Performing Optical Code Division Multiple Access Communication Using Bipolar Codes."

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within 60 days from the date of publication of this Notice. Information concerning the application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to: Mr. Randy Heald, Patent Attorney, SAF/GCQ, 1740 Air Force Pentagon, Washington D.C.

20330-1740, Telephone No. (703) 588-5091.

**Carolyn A. Lunsford,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 99-5988 Filed 3-10-99; 8:45 am]

BILLING CODE 5001-05-U

## DEPARTMENT OF EDUCATION

[CFDA No.: 84.330]

### Office of Elementary and Secondary Education—Advanced Placement Incentive Program

**AGENCY:** Department of Education.

**ACTION:** Notice inviting applications for new awards for fiscal year (FY) 1999.

**SUMMARY:** The Secretary invites applications for new awards for FY 1999 under the Advanced Placement Incentive Program and announces deadline dates for the transmittal of applications for funding under the program. This is a discretionary grant program.

**Purpose of Program:** The primary purpose of the Advanced Placement Incentive Program is to enable States to reimburse part or all of the cost of advanced placement test fees for low-income individuals who (1) are enrolled in an advanced placement class; and (2) plan to take an advanced placement test. In addition, a State educational agency (SEA) in a State in which no eligible low-income individual is required to pay more than a nominal fee to take advanced placement tests in core subjects may use any grant funds, that remain after test fees have been paid on behalf of all eligible low-income individuals, for activities directly related to increasing (a) the enrollment of low-income individuals in advanced placement courses; (b) the participation of low-income individuals in advanced placement tests; and (c) the availability of advanced placement courses in schools serving high-poverty areas. This program is authorized under Title VIII, Part B, of the Higher Education Amendments of 1998 (1998 Amendments) (20 U.S.C. 1070a-11, note).

**Who May Apply:** SEAs in any State, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

**Deadline for Transmittal of Applications:** April 26, 1999.

**Deadline for Intergovernmental Review:** May 26, 1999.

*Applications Available:* March 11, 1999.

*Available Funds:* \$4,000,000.

*Estimated Range of Awards:* \$2,000 to \$400,000.

*Estimated Average Size of Awards:* \$68,000.

*Estimated Number of Awards:* 59.

**Note:** These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

*Project Period:* Up to 15 months.

States receiving grants under this program may use the funds to support allowable activities undertaken in State FY 1999, FY 2000, or both.

### **Requirements for Approval of Applications for Funds to Pay the Cost of Advanced Placement Test Fees Only**

In order to receive funding under this program, an SEA must submit to the Department an application that contains the following:

(a) A description of the advanced placement test fees the State will pay on behalf of individual students, including the approximate number of students on whose behalf the State will pay the fees and the approximate date the State expects each student to take the advanced placement exam;

(b) A description of the method by which eligible low-income individuals will be identified, and the steps the State will take to ensure that any students receiving payments under this program are eligible for such payments;

(c) A description of the State's plan to disseminate information on the availability of test fee payments to eligible individuals through secondary school teachers and guidance counselors;

(d) The number of children in the State who were eligible to be counted under section 1124(c) of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended (20 U.S.C. 6333(c)), during the preceding State fiscal year;

(e) A description of the State's plan to evaluate the effectiveness of the program;

(f) An assurance that any funds received under this program will only be used to pay advanced placement test fees for eligible low-income individuals, except as provided in section 810(d)(1) of the 1998 Amendments;

(g) An assurance that the State will document the eligibility of each individual on whose behalf the State pays part or all of an advanced placement test fee in accordance with the terms of section 402A(e) of the Higher Education Act of 1965 (HEA), as amended; and

(h) An assurance that funds provided under this program will be used to supplement and not supplant other Federal, State, local, or private funds available to assist low-income individuals in paying for advanced placement testing.

Requirements for Approval of Applications That Contain Proposals to Use Grant Funds for Activities Authorized Under Section 810(d)(1)

SEAs that include in their applications proposals to use any grant funds, that remain after test fees have been paid on behalf of all eligible low-income individuals in the State, for activities authorized under section 810(d)(1) of the 1998 Amendments, must submit an application to the Department that contains (1) the information described above (Requirements for Approval of Applications for Funds to Pay the Cost of Advanced Placement Test Fees Only); and (2) the following:

(a) An assurance that no eligible low-income individual in the State will be required to pay more than a nominal fee to take advanced placement tests in core subjects; and

(b) A supplemental narrative that addresses the selection criteria described below.

### **Selection Criteria**

The Secretary will use the following selection criteria to evaluate the section of the application that proposes to use any grant funds, that remain after advanced placement test fees have been paid on behalf of all low-income individuals in the State, to support activities authorized under section 810(d)(1) of the 1998 Amendments.

**(Note:** These selection criteria will *not* apply to the section of the application that proposes to use grant funds to pay advanced placement test fees).

These criteria are taken from the Education Department General Administrative Regulations, as codified at 34 CFR 75.210. The maximum total score for all of the selection criteria is 100 points. The maximum score for each criterion is as follows:

(a) *Need for project*—10 points.

(b) *Significance*—5 points.

(c) *Quality of project design*—25 points.

(d) *Quality of project services*—25 points.

(e) *Quality of project personnel*—10 points.

(f) *Adequacy of resources*—10 points.

(g) *Quality of the management plan*—10 points.

(h) *Quality of the project evaluation*—5 points.

### **Allowable Activities**

States receiving grants under this program may use the grant funds to pay advanced placement test fees for eligible low-income individuals. In addition, States in which no eligible low-income individual is required to pay more than a nominal fee to take advanced placement tests in core subjects may use any grant funds, that remain after test fees have been paid on behalf of all eligible low-income individuals, for activities directly related to increasing (a) the enrollment of low-income individuals in advanced placement courses; (b) the participation of low-income individuals in advanced placement tests; and (c) the availability of advanced placement courses in schools serving high-poverty areas.

### **Allocation of Funds**

The Department intends to allocate approximately \$2 million of the funds available under this program to States for the purpose of paying advanced placement test fees on behalf of eligible low-income individuals. The Department intends to fund—at some level—all applications (1) meeting the minimum requirements for approval of applications described in this notice; *and* (2) proposing to use grant funds for the purpose of paying test fees. In determining grant award amounts, the Department will consider the number of children in the State eligible to be counted under section 1124(c) of the ESEA, in relation to the number of such children in all States. The Department will also consider the State's description of the advanced placement test fees it intends to pay, and whether those fees are reasonable and allowable. The application package will provide each State with an estimate of the approximate amount of grant funds it can expect to receive for the purpose of paying test fees if all States participate in the program. In the event that all States do not participate in the program, the Department will reallocate the funds that would have been awarded to the non-participating States.

The Department intends to allocate approximately \$2 million of the funds available under this program to States for the purpose of supporting activities directly related to increasing (a) the enrollment of low-income individuals in advanced placement courses; (b) the participation of low-income individuals in advanced placement courses; and (c) the availability of advanced placement courses in schools serving high-poverty areas. Proposals by SEAs to use grant funds for activities authorized under section 810(d)(1) of the program statute

will be evaluated based on the selection criteria described above. The Department will also consider the number of children in the State eligible to be counted under section 1124(c) of the ESEA, in relation to the number of such children in all States.

#### Waiver of Rulemaking

Because the Department intends to fund all applications meeting the minimum requirements for approval of applications described in this notice and proposing to use grant funds for the purpose of paying test fees, Department regulations governing the selection of new discretionary grant projects, codified at 34 CFR 75.200–75.222, will apply only to the section of the application that proposes to use grant funds for activities authorized under section 810(d)(1) of the 1998 Amendments. While it is generally the practice of the Secretary to offer interested parties the opportunity to comment on a regulation before it is implemented, section 437(d)(1) of the General Education Provisions Act exempts from formal rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). In order to make awards on a timely basis, the Secretary has decided to publish this regulation in final under the authority of section 437(d).

#### APPLICABLE STATUTE AND REGULATIONS:

Title VIII, Part B of the 1998 Amendments (20 U.S.C. 1070a–11, note). The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 76, 77, 79, 80, 81, 82, 85, and 86.

The following definitions and other provisions are taken from the Advanced Placement Incentive Program statute, in Title VIII, Part B of the 1998 Amendments (20 U.S.C. 1070a–11, note). They are repeated in this application notice for the convenience of the applicant.

#### Definitions

As used in this section:

(a) The term “advanced placement test” includes only an advanced placement test approved by the Secretary of Education for the purposes of this program.

(b) The term “low-income individual” has the meaning given the term in section 402A(g)(2) of the [HEA].

**Note:** Under section 402A(g)(2) of the HEA, as amended, the term “low-income individual” means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level

determined by using criteria of poverty established by the Bureau of the Census (20 U.S.C. 1070a–11(g)(2)).

#### Information Dissemination

The SEA shall disseminate information regarding the availability of test fee payments under this program to eligible individuals through secondary school teachers and guidance counselors.

#### Supplementation of Funding

Funds provided under this program must be used to supplement and not supplant other non-Federal funds that are available to assist low-income individuals in paying advanced placement test fees.

#### FOR APPLICATIONS OR INFORMATION

**CONTACT:** Frank B. Robinson, U.S. Department of Education, School Improvement Programs, 400 Maryland Avenue, S.W., Room 3C153, Washington, D.C. 20202–6140. Telephone (202) 260–2669. Internet address: frank—robinson@ed.gov  
Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) upon request to the contact person listed in the preceding paragraph. Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

#### Electronic Access to this Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>  
<http://www.ed.gov/news.html>

To use the pdf, you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219–1511 or, toll free, 1–800–222–4922. The

documents are located under Option G—Files/Announcements, Bulletins, and Press Releases.

**Note:** The official version of a document is the document published in the **Federal Register**.

**Program Authority:** 20 U.S.C. 1070a–11, note.

Dated: March 4, 1999.

**Judith Johnson,**

*Acting Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 99–6071 Filed 3–10–99; 8:45 am]

BILLING CODE 4000–01–U

## DEPARTMENT OF EDUCATION

### National Assessment Governing Board; Hearings

**AGENCY:** National Assessment Governing Board; Department of Education.

**ACTION:** Notice of Hearings.

**SUMMARY:** The National Assessment Governing Board is announcing four public hearings related to proposed voluntary national tests. The purpose of the hearings is to obtain public comment to inform the development, by the Governing Board, of a report required under the Omnibus Consolidated Appropriations Act for Fiscal Year 1999 (the Act). Section 305 (c)(1) of the Act states that “The National Assessment Governing shall determine and clearly articulate in a report the purpose and intended use of any proposed federally sponsored national test. Such report shall also include:

(A) a definition of the term “voluntary” in regards to the administration of any national test; and  
(B) a description of the achievement levels and reporting methods to be used in grading any national test.”

The Act states that the report is to be submitted to the White House and to the cognizant Senate and House authorizing and appropriations committees by September 30, 1999. However, the Governing Board intends to submit the report by June 30, 1999.

Interested individuals and organizations are invited to provide written and/or oral testimony to the Governing Board. In order to assist the public, the Governing Board has developed two possible scenarios related to the proposed voluntary national tests. These scenarios, explanatory information, and issues to consider are included in **ADDITIONAL INFORMATION**, below.

The Governing Board has contracted with the American Institutes for