

Dated: April 24, 2009.

**David Cottingham,**

*Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E9-9812 Filed 4-28-09; 8:45 am]

BILLING CODE 3510-22-S

## COMMODITY FUTURES TRADING COMMISSION

### Energy and Environmental Markets Advisory Committee Meeting

This is to give notice that the Commodity Futures Trading Commission's Energy Markets Advisory Committee will conduct a public meeting on Wednesday, May 13, 2009. The meeting will take place in the first floor hearing room of the Commission's Washington, DC headquarters, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581 from 8 a.m. to 12 p.m. The purpose of the meeting is to discuss energy and environmental market issues. The meeting will be chaired by Commissioner Bart Chilton, who is Chairman of the Energy and Environmental Markets Advisory Committee.

*The agenda will consist of the following:*

- (1) Call to Order and Introduction;
- (2) Current Market and Regulatory Developments;
- (3) Environmental Commodity Markets: The CFTC and a Carbon-Constrained World;
- (4) Energy Price Volatility and Consumers;
- (5) Discussion of Future Meetings and Topics;
- (6) Adjournment.

The meeting is open to the public. Any member of the public who wishes to file a written statement with the committee should mail a copy of the statement to the attention of: Energy Markets Advisory Committee, c/o Commissioner Bart Chilton, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should inform Commissioner Chilton in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for oral presentations of no more than five minutes each in duration.

For further information concerning this meeting, please contact Commissioner Bart Chilton at 202-418-5060.

Issued by the Commission in Washington, DC, on April 24, 2009.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. E9-9869 Filed 4-28-09; 8:45 am]

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## DEPARTMENT OF EDUCATION

### Office of Postsecondary Education; Overview Information; Predominantly Black Institutions Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance (CFDA) Number: 84.382A.

#### DATES:

*Applications Available:* April 29, 2009.

*Deadline for Transmittal of Applications:* May 29, 2009.

*Deadline for Intergovernmental Review:* July 28, 2009.

#### Full Text of Announcement

##### I. Funding Opportunity Description

*Purpose of Program:* The purpose of the Predominantly Black Institutions (PBIs) Program is to strengthen PBIs to carry out programs in the following areas: Science, technology, engineering, or mathematics (STEM); health education; internationalization or globalization; teacher preparation; or improving educational outcomes of African-American males.

*FY 2009 Competition Background:* The PBIs Program was originally authorized under Title IV, Part J, Section 499A of the Higher Education Act of 1965 (HEA), as amended by the College Cost Reduction and Access Act (CCRAA) of 2007. The Higher Education Opportunity Act, which reauthorized the Higher Education Act, transferred the PBIs program to Title III, Part F, Section 371 of the HEA.

**Program Authority:** Title III, Part F, Section 371 of the Higher Education Act of 1965 (HEA), as amended.

*Applicable Regulations:* The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 84, 85, 86, 97, 98, and 99.

##### II. Award Information

*Type of Award:* Discretionary grants.  
*Estimated Available Funds:* \$6,000,000.

*Estimated Size of Awards:* \$600,000.

*Estimated Number of Awards:* 10.

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

*Project Period:* Up to 12 months.

## III. Eligibility Information

1. *Eligible Applicants:* Your institution must be designated as an eligible applicant under Title III of the HEA. The regulations can be found in 34 CFR 607.2 through 607.5. In addition, your institution must:

(a) Have an enrollment of needy students as defined by section 371(c)(3) of the HEA. The term *enrollment of needy students* means the enrollment at an institution of higher education with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

(i) In the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

(ii) Come from families that receive benefits under a means-tested Federal benefit program (as defined in section 371(c)(5) of the HEA);

(iii) Attended a public or nonprofit private secondary school—

(A) That is in the school district of a local educational agency that was eligible for assistance under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA) for any year during which the student attended such secondary school; and

(B) Which for the purpose of this paragraph and for that year, was determined by the Secretary (after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under a measure of poverty described in section 1113(a)(5) of the ESEA exceeds 30 percent of the total enrollment of such school; or

(iv) Are first-generation college students (as that term is defined in section 402A(h) of the HEA), and a majority of such first-generation college students are low-income individuals. The term low-income individual has the meaning given that term in section 402A(h) of the HEA.

(b) Have an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions of higher education that offer similar instruction. The Secretary may waive this requirement, in accordance with section 392(b) of the HEA, in the same manner as the Secretary applies the waiver requirements to grant applicants under section 312(b)(1)(B) of the HEA;

(c) Have an enrollment of undergraduate students—

(i) That is at least 40 percent Black American students;

(ii) That is at least 1,000 undergraduate students;

(iii) Of which not less than 50 percent of the undergraduate students enrolled at the institution are low-income individuals (as that term is defined in section 402A(h) of the HEA) or first generation college students. The term *first generation college student* means—  
(A) an individual both of whose parents did not complete a baccalaureate degree; or  
(B) in the case of any individual who regularly resided with and received support from only one parent, an individual whose only such parent did not complete a baccalaureate degree; and

(iv) Of which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the institution is licensed to award by the State in which the institution is located;

(d) Is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards bachelor's degree; or, in the case of a junior or community college, an associate's degree;

(e) Is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation; and

(f) Is not receiving assistance under Part B of Title III of the HEA.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

#### IV. Application and Submission Information

##### 1. *Address to Request Application Package:*

Blanca Rodriguez, U.S. Department of Education, 1990 K Street, NW., room 6162, Washington, DC 20006-8515. Telephone: (202) 502-7728, or by e-mail:

[blanca.rodriguez@ed.gov](mailto:blanca.rodriguez@ed.gov) or Sara Starke, U.S. Department of Education, 1990 K Street, NW., room 6019, Washington, DC 20006-8515. Telephone: (202) 502-7688, or by e-mail: [sara.starke@ed.gov](mailto:sara.starke@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 a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer

diskette) by contacting the program contact person listed in this section.

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 program.

*Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative [Part III] that addresses the selection criteria to no more than 30 pages, using the following standards:

- A "page" is 8.5" × 11", on one side only, with 1" margins at the top, bottom, and both sides. Page numbers and an identifier may be outside of the 1" margin.
- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application narrative may be singled spaced and will count toward the page limit.
- Use a font that is either 12 point or larger; or, no smaller than 10 pitch (characters per inch). However, you may use a 10 point font in charts, tables, figures, and graphs.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. Applications submitted in any other font (including Times Roman and Arial Narrow) will be rejected.

The page limit does not apply to Part I, the cover sheet SF-424; Part II, the budget section including the narrative budget justification; and Part IV, the assurances and certifications. The page limit also does not apply to a table of contents. If you include any attachments or appendices not specifically requested, these items will be counted as part of the program narrative (Part III) for purposes of the page limit requirement. You must include your complete response to the selection criteria in the program narrative.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*  
*Applications Available:* April 29, 2009.

*Deadline for Transmittal of Applications:* May 29, 2009.

Applications for grants under this program must be submitted electronically using e-Application, accessible through the Department's e-Grants Web site at: <http://e-grants.ed.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 either of the persons 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: July 28, 2009.

4. *Intergovernmental Review:* This program 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 program.

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

6. *Other Submission Requirements:* Applications for grants under this program 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 Predominantly Black Institutions Program, CFDA number 84.382A, must be submitted electronically using e-Application, accessible through the Department's e-Grants Web site at <http://e-grants.ed.gov>.

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*.

While completing your electronic application, you will be entering data

online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. E-Application will not accept an application for this competition after 4:30:00 p.m., Washington, DC time, on the application deadline date.

Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesday and 6:00 a.m. on Thursday, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.

- 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 followings forms: the 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 other than the three files 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.

- Prior to submitting your electronic application, you may wish to print a copy of it for your records.

- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).

- Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the

Application Control Center after following these steps:

- Print SF 424 from e-Application.

- The applicant's Authorizing Representative must sign this form.

- Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

- Fax the signed SF 424 to the Application Control Center at (202) 245-6272.

- We may request that you provide us original signatures on other forms at a later date. *Application Deadline Date Extension in Case of e-Application Unavailability*: If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

- You are a registered user of e-Application and you have initiated an electronic application for this competition; and

- (a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

- (b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the persons listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grant help desk at 1-888-336-8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of e-Application.

*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 e-Application because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to e-Application; 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: Blanca Rodriguez, U.S. Department of Education, 1990 K Street, NW., room 6162, Washington, DC 20006-8515. FAX: (202) 502-7675.

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 84.382A), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202-4260.

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

- A legibly dated U.S. Postal Service postmark.

- A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

- A dated shipping label, invoice, or receipt from a commercial carrier.

- 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:

- A private metered postmark.

- 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 84.382A), 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**

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.209(a) and 75.210, and are as follows—

- Need for the project (20 points);
- Quality of the project design (15 points);
- Quality of project services (15 points);
- Quality of project personnel (10 points);
- Adequacy of resources (5 points);
- Quality of the management plan (20 points);
- Quality of project evaluation (15 points).

Additional information regarding these criteria is in the application package for this competition.

2. *Review and Selection Process:* Applicants must provide, as an attachment to the application, the documentation the institution relied upon to determine that at least 40 percent of the institution's undergraduate enrollment are Black American students.

**Note:** The 40 percent requirement applies only to *undergraduate* Black American students and is calculated based upon unduplicated undergraduate enrollment. Instructions for formatting and submitting the verification documentation to e-Application are in the application package for this competition.

**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 will 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 in 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.

Grantees are required to use the 524B Grant Performance Report to complete both annual and the final report. 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:* The Secretary has established the following key performance measures for assessing the effectiveness of the PBI Program:

- (1) The number of full-time degree-seeking undergraduates enrolling at PBIs.
- (2) The increase in the persistence rate for students enrolled at PBIs.

**VII. Agency Contact**

**FOR FURTHER INFORMATION CONTACT:** Blanca Rodriguez, Teacher and Student Development Programs Service, U.S. Department of Education, 1990 K Street, NW., room 6162, Washington, DC

20006-8515. Telephone: (202) 502-7728, or by e-mail: [blanca.rodriguez@ed.gov](mailto:blanca.rodriguez@ed.gov) or sara.starke, Teacher and Student Development Programs Service, U.S. Department of Education, 1990 K Street, NW., room 6019, Washington, DC 20006-8515. Telephone: (202) 502-7688, or by e-mail: [sara.starke@ed.gov](mailto:sara.starke@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 either of the program contact persons 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 function of the Assistant Secretary for Postsecondary Education.

Dated: April 24, 2009.

**Daniel T. Madzellan,**

*Director, Forecasting and Policy Analysis.*

[FR Doc. E9-9876 Filed 4-28-09; 8:45 am]

**BILLING CODE 4000-01-P**

**DEPARTMENT OF EDUCATION**

**Office of Postsecondary Education;  
Title IV, Part I, Section 499 of the  
Higher Education Act of 1965, as  
Amended—Competitive Loan Auction  
Pilot Program**

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