

SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@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.

[FR Doc. E9-132 Filed 1-8-09; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.
SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 9, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested,

e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 5, 2009.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Extension.

Title: Rural Education Achievement Program (REAP).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 5,052.

Burden Hours: 4,830.

Abstract: This data collection is pursuant to the Secretary's authority under Part B of Title VI of the Elementary and Secondary Education Act (ESEA), to award funds under two grant programs designed to address the unique needs of rural school districts—the Small, Rural School Achievement Program (ESEA Section 6212) and the Rural and Low-Income School Program (ESEA Section 6221).

Under the Small, Rural School Achievement Program, the Secretary awards grants directly to eligible local educational agencies (LEAs) on a formula basis. Under the Rural and Low-income School Program, eligible school districts are sub-recipients of funds the Department awards to SEAs on a formula basis. For both grant programs, the Department awards funds based a determination of the eligibility of individual school districts and calculating formula allocations each eligible district should receive.

The Department has devised a two-tier strategy to accomplish the funding process for the REAP program: (1) the Department collects from SEAs the information the Department needs to make eligibility and funds allocation determinations, and (2) LEAs submit applications for grant funding.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3904. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department

of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@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.

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DEPARTMENT OF EDUCATION

Homeless Education Disaster Assistance Program (CFDA No. 84.383A)

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice inviting applications.

SUMMARY: The Homeless Education Disaster Assistance program is a new, one-year program authorized under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. This program provides assistance to local educational agencies (LEAs) or consortia of LEAs located within the same State whose enrollment of homeless students has increased as a result of a natural disaster that occurred in calendar year 2008 (2008).

DATES: *Application Deadline:* February 9, 2009, 4:30:00 p.m. Eastern time.

SUPPLEMENTARY INFORMATION: Under this program, the Department will award funds directly to eligible LEAs based on demonstrated need. (Except where specifically noted, the term *LEA* as used in this notice refers to a single LEA or a consortium of LEAs located in the same State.) In determining an LEA's need for assistance, the Department will consider the number of students enrolled in the LEA in kindergarten through grade twelve who became homeless as a result of a natural disaster (as defined elsewhere in this notice) that occurred in 2008. To be eligible for funding under this program, an LEA (individually or in consortium) must have at least fifty of these homeless students enrolled.

The LEA must use program funds to support activities that are allowable under section 723(d) of the McKinney-

Vento Homeless Assistance Act (42 U.S.C. 11433(d)). The services provided must comply with paragraphs (2) and (3) of section 723(a) of that law, and the LEA must comply with paragraphs (3) through (7) of section 722(g) of the law. The LEA may use program funds to assist any homeless individual, of school or pre-school age in the LEA, and not just those students who became homeless as a result of a natural disaster. The LEA may use the funds to support future activities, as well as to reimburse itself for costs incurred in carrying out activities during 2008 or 2009, designed to help homeless students enroll in, attend, or succeed in school. The funds will remain available for obligation by an LEA through September 30, 2010.

Eligible Applicants: Under this program, eligible applicants are LEAs that have a total of at least fifty students enrolled in one or more grades, kindergarten through grade twelve, who became homeless as a result of a natural disaster that occurred during 2008. Due to the limited amount of funding available under this program, only LEAs or consortia that meet this minimum threshold are eligible for a grant.

Required submission of eligibility information: As part of its application, the LEA must submit data, for which it has verifiable and auditable documentation, on the number of students enrolled in kindergarten through grade twelve in the LEA who became homeless as a result of a natural disaster that occurred during 2008. If a group of LEAs applies for these funds as a consortium, the LEA members of the group must designate one member to submit with the application data on the number of students enrolled in kindergarten through grade twelve in all of the consortium member LEAs and who became homeless as a result of a natural disaster that occurred in 2008. For purposes of this program, the count of enrolled students who became homeless as a result of a natural disaster that occurred in 2008 can include: Students already enrolled in the LEA who became homeless due to a natural disaster, or students made homeless by a natural disaster who are identified as such at the time of enrollment in the LEA.

Determination of award amount: Congress has appropriated \$15 million for this program. The Department will award these funds, based on demonstrated need, to eligible LEAs that submit applications that meet the requirements of this notice and of the application package. Each LEA will receive a proportionate share of funds based on the number of students

enrolled in the LEA in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008. Specifically, the Department will calculate each LEA's award amount based on the quotient obtained by dividing the number of its students enrolled in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008 by the total number of such students for all eligible LEAs submitting an application.

For consortia of LEAs that apply for funds, the Department will treat each consortium as a single LEA when determining grant award amounts. The designated LEA that submits an application to the Department on behalf of the consortium members must (a) distribute any funds received by the consortium to each member LEA based on its proportionate share of the total number of children made homeless as a result of a natural disaster in 2008 for the consortium as a whole, or (b) distribute the funds based on an alternative need-based method agreed upon in writing by all member LEAs.

Definition of natural disaster: For purposes of this program, a *natural disaster* is defined as a disaster for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974. Those disasters are listed on the Web site of the Federal Emergency Management Agency (FEMA) at <http://www.fema.gov/news/disasters.fema?year=2008>.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 98, and 99.

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

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed program requirements. Section 437(d)(2) of the General Education Provisions Act (20 U.S.C. 1232(d)(2)), however, allows the Secretary of Education to exempt from rulemaking requirements regulations where the Secretary determines that conducting rulemaking would cause extreme hardship to the intended beneficiaries of the program or programs affected by the regulations.

The Secretary has determined that conducting rulemaking for the Homeless Education Disaster Assistance program, including rulemaking on an LEA's eligibility for assistance and the process

for allocating funds, would cause extreme hardship to the beneficiaries of the program. LEAs throughout the country have needs and expenses related to educating students who became homeless as a result of natural disasters that occurred in 2008. It is essential, therefore, that the Department award funding under the program at the earliest possible date. Furthermore, the legislation authorizing the program recognizes the need for timely awards and directs the Department to make grants to LEAs on the basis of demonstrated need within 120 days of the date of enactment of that legislation. LEAs need sufficient time to collect and submit data that demonstrate their need for assistance. In order to avoid harm and hardship to applicants under the program, and to the students they are serving, the Secretary is waiving rulemaking for this program.

Application and Submission Information: To receive funding, an eligible LEA must submit an application electronically by the deadline established in this notice. Submission of an electronic application involves the use of the Department's Electronic Grant Application System (e-Application) accessible through the Department's e-Grants system.

You can access the electronic application for the Homeless Education Disaster Assistance program at: <http://e-grants.ed.gov>.

Once you access this site, you will receive specific instructions regarding the information to include in your application.

The regular hours of operation of the e-Grants Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until 8 p.m., Sunday (Washington, DC time). Any modifications to these hours are posted on the e-grants Web site.

FOR FURTHER INFORMATION CONTACT: Mr. John McLaughlin, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C130, Washington, DC 20202. Telephone: (202) 260-0826 or via e-mail at john.mclaughlin@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 notice in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the contact person listed in this section.

Electronic Access To This Document: You may view this document, as well as other Department of Education documents 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 version 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: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 at Div. B, Title I, Chapter 7, Pub. L. 110-329, 122 Stat. 3595 (Sept. 30, 2008).

Dated: January 6, 2009.

Kerri L. Briggs,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E9-237 Filed 1-8-09; 8:45 am]

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ELECTION ASSISTANCE COMMISSION

Notice of Request for Public Comment on Proposed Working Group Policy

AGENCY: United States Election Assistance Commission.

ACTION: Notice: Request for public comment.

SUMMARY: The EAC seeks public comment on a proposed policy entitled "Proposed Working Group Policy." This policy is designed to set procedures and requirements for the formation and use of working groups to assist the United States Election Assistance Commission in developing proposed policies, including advisories, guidance, opinions, regulations and rules regarding the implementation of the Help American Vote Act (HAVA) and the National Voter Registration Act of 1993 (NVRA). EAC issues this notice according to a policy adopted on September 18, 2008 that requires EAC to provide notice and an opportunity for public comment on, among other things, advisories being considered for adoption by the U.S. Election Assistance Commission.

DATES: Comments must be received by 5 p.m. EST on February 9, 2009.

ADDRESSES: Comments may be submitted: Via e-mail at havainfo@eac.gov, Via mail addressed to the U.S. Election Assistance

Commission, 1225 New York Ave., NW., Suite 1100, Washington, DC 20005, or by fax at 202/566-3127. Commenters are encouraged to submit comments electronically and include "Working Group Policy" in the subject line, to ensure timely receipt and consideration.

Person to Contact for Information: Bryan Whitener, Telephone: (202) 566-3100.

SUPPLEMENTARY INFORMATION: The following is the complete text of the proposed Working Group Policy the EAC is seeking public comment on. The proposed policy may also be viewed on the EAC Web site at <http://www.eac.gov>.

Proposed Working Group Policy

I. Purpose

This document sets policy concerning the use, makeup and administration of working groups. For the purposes of this policy, a working group is a collection of persons with unique experience and expertise gathered to provide their individual opinions on matters impacting EAC's mission. Working groups do not vote or otherwise provide a consensus opinion on matters presented. They are assembled either to provide individual advice on a common issue or exchange information. Working groups are not permanent and meet only for a limited purpose and time.

The United States Election Assistance Commission (EAC) believes that seeking diverse input from qualified individuals is critical to developing sound public policy. As EAC works meet its mission under the Help America Vote Act of 2002 (HAVA) and the National Voter Registration Act of 1993 (NVRA) the agency must utilize the experience of technical experts, election administrators and nongovernmental organizations in developing its policies.

II. Roles and Responsibilities

The Executive Director is hereby directed to develop internal procedures concerning the use, make-up, administration and product of working groups. These procedures must reflect and implement the policy goals adopted in this directive.

III. Membership, Use and Product of Working Group

Diversity of Opinion and Membership. The membership of EAC working groups shall reflect the diversity of opinion on a given issue. This commitment to diversity of opinion requires EAC staff to seek out new voices in the debate. Therefore, when reasonable, EAC will openly recruit candidates to be considered and may limit participation of an individual or

organization in consecutive working groups. EAC has various important constituencies that should be represented on working groups formed under this policy. These may include state and local election officials, state and local legislative bodies and nongovernmental organizations. EAC working groups must include a fairly balanced membership. Members of the working group should represent a cross-section of the election or other communities that are directly affected by the topic under consideration and academics and/or technical experts who are uniquely qualified as appropriate to the nature and functions of the working group. The reasonable credibility of the individual and the organization represented will be considered in the selection process.

Limited Use. Working groups should only be used in the development of EAC policy or other matters where gathering of a variety of technical expertise or stakeholder opinions are essential to meeting agency objectives. Other determining factors for the creation of a working group shall include EAC's strategic plan and its annual operating budget, goals and objectives. The creation of working groups shall be subject to the approval of the Executive Director. Any request for a working group must be submitted to the Executive Director in writing and identify the need for the working group, the proposed charge of the working group, the identification of the various opinions or interests that must be represented, a proposed composition of the group, an approximate length of time that the working group will be in place.

Group Focus. Any working group established by the EAC must be provided a clear focus in the form of a written agenda or group mandate. Staff must be assigned to the group to facilitate discussion, maintain group focus and document opinion or facts expressed.

Publication of Working Group Discussion Points. In reporting on the activities of a working group, the EAC shall capture the opinions or facts expressed by the working group and make that information available to the Commissioners and EAC program staff for use in making a final policy determination. This information will also be made available to the public.

Gracia Hillman,

Commissioner, U.S. Election Assistance Commission.

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