

*FTX-03 Mission*

Two launches were conducted at KLC between March 12, 2008, and March 11, 2009. The first was a monitored launch of a Flight Test Experimental-03 (FTX-03) long range ballistic missile on July 18, 2008 at 13:47:00 hr ADT. Aerial surveys to document marine mammals in the primary survey area (6-mile radius of the KLC launch pads) were flown using single-engine fixed-wing aircraft 1 day prior to (July 17), the day of (July 18), and 3 days (July 19-21) post launch. On July 17, 2008, video equipment and a noise monitor were deployed on the northeast side of Ugak Island, 4.2 miles (6.8 km) from the launch site, and another noise monitor was deployed on Narrow Cape, 0.9 miles (1.4 km) from the launch site. Sound level monitoring equipment at Ugak Island registered noise above general ambient levels for one minute thirty three seconds with an SEL of 89.6 dBA. The one-second broadband peak noise level was 108.3 dBC. The 1/3 octave broadband noise level peaked between 63 and 250 Hz with a maximum noise level of 90.7 dB at 100 Hz. Sound level monitoring equipment at Narrow Cape registered noise above general ambient levels for one minute fifty seconds with an SEL of 112.6 dBA. The one-second broadband peak noise level was 145.6 dBC. The 1/3 octave broadband noise level peaked between 63 and 400 Hz with a maximum noise level at 105.8 dB at 315 Hz.

Video equipment was focused on the Steller sea lion haulout on the east side of Ugak Island because no seal lions were present at the traditional haulout on the gravel spit at Ugak. This haulout was occupied by 1-5 seal lions during the aerial surveys, and 0-3 sea lions during video monitoring. However, the camera battery was depleted about two hours before the launch so the immediate effects of the launch on Steller sea lions could not be determined. However, three sea lions were seen at the haulout during the aerial survey conducted within two hours after the launch, the same number recorded when the camera battery died; therefore, if any behavioral impacts did occur, they were short lived.

Harbor seals were the most abundant marine mammal counted. Daily totals ranged from 610 seals on July 20, 2008 to 1,534 seals on July 21, 2008. The count of harbor seals before the launch (853 seals) was similar immediately post launch (840 seals). For the three days after launch, 744, 610, and 1,534 harbor seals, respectively, were sighted in the primary study area. Therefore, NMFS does not expect that the launch had a

long term impact on harbor seals in the action area.

*FTG-05 Mission*

The second monitored launch of an Flight Test Ground-based Interceptor-05 (FTG-05) ballistic missile was conducted at KLC on December 5, 2008 at 11:04 hr ADT. Five monitoring surveys were scheduled between December 4-8, 2008; however, foul weather precluded flying from all but one day. No monitoring survey was completed pre-launch and only one survey was completed post-launch; however, one aerial survey was flown over part of the primary study area three days before the launch (December 2) prior to the designated monitoring surveys. Foul weather precluded helicopter access to Ugak Island, therefore no video equipment or sound monitoring device was deployed at this location. However, a sound level monitor was deployed on Narrow Cape. This noise monitoring device registered noise above general ambient levels for one minute forty one seconds with an SEL of 112.4 dBA. The one-second broadband peak noise level was 126.1 dBC. The 1/3 octave broadband noise level peaked between 63 and 400 Hz with a maximum noise level at 106.6 dB at 200 Hz.

Steller sea lions did not use the spit on northern Ugak Island (the traditional haulout site) during the December 7 survey; however, this has been the trend during the past few years. One sea lion was sighted during that day on the suprtidal rock on the eastern side of Ugak, the same location where they were sighted during the FTX-03 launch, as described above.

During the December 7 survey, 971 harbor seals were sighted in the primary study area. All were sighted on Ugak Island with the largest single haulout located on the northeast side of the island with 444 seals. Because only one survey was completed and no video monitoring system was set up during the FTG-05 launch, the actual impacts to Steller sea lions and harbor seals can not be determined. However, AADC did collect video monitoring data of Steller sea lions during a FTG-02 launch in 2006. During that launch, two sea lions were present on Ugak Rock. The animals raised their heads in response to launch noise, which peaked at 105.6 dBC and had an SEL of 90.1dBA over one minute and eight seconds; however, they did not flush into the water. For comparative purposes, the Narrow Cape the peak noise level during this launch was 128 dBC with a SEL of 112.5dBA over one minute 23-seconds which is comparable to the December FTG-05

launch, as described above. Therefore, NMFS anticipates that reactions of Steller sea lions, if present, were likely similar to those recorded previously.

In summary, NMFS concludes the impacts from the FTX-03 and FTG-05 flight were similar based on similar acoustic monitoring measurements from both launches. No mortality or injury was observed during the FTX-03 launch and likely did not occur during the FTG-05 launch.

**Authorization**

Accordingly, NMFS has issued an LOA to AADC authorizing takes of marine mammals incidental to rocket launches at the KLC. Issuance of this LOA is based on findings, described in the preamble to the final rule (71 FR 4297, January 26, 2006) and supported by information contained in AADC's required 2007 annual report, that the activities described under this LOA will result in the take of small numbers of marine mammals, have a negligible impact on marine mammal stocks, and will not have an unmitigable adverse impact on the availability of the affected marine mammal stocks for subsistence uses.

Dated: April 16, 2009.

**James H. Lecky,**

*Director, Protected Resources, National Marine Fisheries Service.*

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**BILLING CODE 3510-22-S**

**DEPARTMENT OF EDUCATION**

**Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students; Overview Information; Foreign Language Assistance Program—Local Educational Agencies With Institutions of Higher Education; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009**

Catalog of Federal Domestic Assistance (CFDA) Number: 84.293A.

**DATES:**

*Applications Available:* April 21, 2009.

*Deadline for Notice of Intent to Apply:* May 11, 2009.

*Deadline for Transmittal of Applications:* May 27, 2009.

*Deadline for Intergovernmental Review:* July 27, 2009.

**Full Text of Announcement****I. Funding Opportunity Description**

*Purpose of Program:* The Foreign Language Assistance Program (FLAP)

provides grants to local educational agencies (LEAs) for innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students. Under this competition, as required by Public Law 111–8 (the Omnibus Appropriations Act, 2009), 5-year grants will be awarded to LEAs to work in partnership with one or more institutions of higher education (IHEs) to establish or expand articulated programs of study in languages critical to United States national security in order to enable successful students to achieve a superior level of proficiency in those languages. In addition, an LEA that receives a grant under this program must use the funds to support programs that show promise of being continued beyond the grant period and demonstrate approaches that can be disseminated to and duplicated in other LEAs. Projects supported under this program may also include a professional development component.

**Priorities:** This notice involves one absolute priority and four competitive preference priorities. The absolute priority is from the notice of final priority for this program, published in the **Federal Register** on May 19, 2006 (71 FR 29228). In accordance with 34 CFR 75.105(b)(2)(iv), Competitive Preference Priorities #1 through #4 are from section 5493 of the Foreign Language Assistance Act of 2001 (20 U.S.C. 7259b).

**Absolute Priority:** For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

#### *Critical Need Languages*

This priority supports projects that establish, improve or expand foreign language learning, primarily during the traditional school day, within grade kindergarten through grade 12, that exclusively teach one or more of the following less commonly taught languages: Arabic, Chinese, Korean, Japanese, Russian, and languages in the Indic, Iranian, and Turkic language families.

**Competitive Preference Priorities:** For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(ii) we give preference to an application that meets one or more of these priorities.

**Note:** There is no advantage to addressing all four competitive preference priorities. Creating a program around all four priorities may result in an unfocused program design. We give preference to applications describing programs that meet any one of these priorities.

These priorities are:

**Competitive Preference Priority #1.** Projects that include intensive summer foreign language programs for professional development.

**Competitive Preference Priority #2.** Projects that link non-native English speakers in the community with the schools in order to promote two-way language learning.

**Competitive Preference Priority #3.** Projects that make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study.

**Competitive Preference Priority #4.** Projects that promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

**Program Authority:** 20 U.S.C. 7259a-7259b; Public Law 111–8 (the Omnibus Appropriations Act, 2009).

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98 and 99. (b) The notice of final priority, published in the **Federal Register** on May 19, 2006 (71 FR 29228).

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

## II. Award Information

**Type of Award:** Discretionary grants.

**Estimated Available Funds:** \$5,193,495.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2010 from the list of unfunded applicants from this competition.

**Estimated Range of Awards:** \$100,000—\$300,000.

**Estimated Average Size of Awards:** \$200,000.

**Maximum Award:** We will reject any application that proposes a budget exceeding \$300,000 for a single budget period of 12 months. The Assistant Deputy Secretary and Director for the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) may change the maximum amount through a notice published in the **Federal Register**.

**Estimated Number of Awards:** 26.

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

**Project Period:** 60 months.

Applications that request funding for a project period of other than 60 months will be deemed ineligible and will not be read.

## III. Eligibility Information

1. **Eligible Applicants:** LEAs, including charter schools that are considered LEAs under State law, in partnership with one or more institutions of higher education.

2. **Cost Sharing or Matching:** Section 5492(c)(1) of the Foreign Language Assistance Act of 2001 (20 U.S.C. 7259a(c)(1)) requires that the Federal share of a project funded under this program for each fiscal year be 50 percent. For example, an LEA requesting \$100,000 in Federal funding for its foreign language program each fiscal year must match that amount with \$100,000 of non-Federal funding for each year. 34 CFR 80.24 of EDGAR addresses Federal cost-sharing requirements.

If an LEA does not have adequate resources to pay the non-Federal share of the cost, a waiver may be requested. An LEA may request a waiver of part, or all, of the matching requirement. The waiver request should be submitted by letter to the Secretary of Education and included in the application. An authorized representative of the LEA, such as the superintendent of schools, should sign the letter.

The request for waiver should—

- Provide an explanation, supported with appropriate documentation, of the basis for the LEA's position that it does not have adequate resources to pay the non-Federal share of the cost of the project.

- Specify the amount, if any, of the non-Federal share that the LEA can pay.

We recommend that LEAs that are unable to provide the required level of non-Federal support for their project provide as much non-Federal support as possible. Further information on submitting a waiver request is included in the application package.

## IV. Application and Submission Information

1. **Address to Request Application Package:** Yvonne Putney-Mathieu, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C138, Washington, DC 20202–6510. Telephone: (202) 401–1461 or by e-mail: [yvonne.mathieu@ed.gov](mailto:yvonne.mathieu@ed.gov).

**Note:** Please include “84.293A LEA IHE Application Request” in the subject heading of your e-mail.

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 competition.

**Notice of Intent to Apply:** If you intend to apply for a grant under this competition, contact Yvonne Mathieu by e-mail: [yvonne.mathieu@ed.gov](mailto:yvonne.mathieu@ed.gov).

**Note:** Please include "84.293A LEA IHE Intent to Apply" in the subject heading of your e-mail. The e-mail should specify: (1) The LEA name, (2) city, (3) State, and (4) language(s) of instruction. We will consider an application submitted by the deadline date for transmittal of applications, even if the applicant did not provide us notice of its intent to apply.

**Page Limit:** The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 35 pages using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the two-page abstract. However, the page limit does apply to all of the application narrative section in Part III.

We will reject your application if you exceed the page limit; or if you apply other standards and exceed the equivalent of the page limit.

### 3. Submission Dates and Times:

**Applications Available:** April 21, 2009.

**Deadline for Notice of Intent to Apply:** May 11, 2009.

**Deadline for Transmittal of Applications:** May 27, 2009.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants site. For information (including dates and times) about how to submit your application electronically, or 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 the person 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 27, 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 Foreign Language Assistance Program—Local Educational Agencies with Institutions of Higher Education—CFDA Number 84.293A 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 program 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 Wednesdays and 6:00 a.m. on Thursdays, 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 following 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 type other than the three file 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 acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants 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 prevents 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: Rebecca Richey, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C144, Washington, DC 20202-6510. Fax: (202) 260-5496.

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 84.293A), 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.

- (4) 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:

- (1) A private metered postmark.

- (2) 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 84.293A), 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—

- 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

- The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant 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

*Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 of EDGAR and are listed in the following paragraphs. The **Notes** we have included after each criterion are guidance to assist applicants in understanding each criterion as they prepare their applications and are not required (except that Notes I and II under paragraph (b) and the note under paragraph (d) are required) by statute or regulation. The maximum score for all of these criteria is 100 points. The

maximum score for each criterion is indicated in parentheses.

(a) *Need for project.* (5 points)

The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

*Notes for (a) Need for Project*

**Note I:** In addressing this criterion, applicants may want to describe how the proposed project will address gaps or weaknesses in foreign language instruction by conducting activities, such as increasing enrollment in critical foreign languages during the course of the grant by adding languages, adding grades or course levels, recruiting students, and expanding to additional schools.

**Note II:** In addressing this criterion, applicants may also want to describe how the proposed project will improve instruction; for example, by hiring highly qualified teachers, improving teacher skills through professional development, expanding the curriculum, and increasing the minutes of instruction per day or week.

(b) *Quality of the project design.* (60 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(2) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(3) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project.

(4) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(5) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population.

(6) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan

for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives.

*Notes for (b) Quality of the Project Design*

**Note I:** Under this competition, as required by Public Law 111–8 (the Omnibus Appropriations Act, 2009), 5-year grants will be awarded to LEAs to work in partnership with one or more institutions of higher education (IHEs) to establish or expand articulated programs of study in languages critical to United States national security in order to enable successful students to achieve a superior level of proficiency in those languages.

**Note II:** Please note that Title V, Part D, Subpart 9, section 5492 of the Elementary and Secondary Education Act of 1965, as amended, requires the establishment, improvement or expansion of foreign language study for elementary and secondary students; supports programs that show the promise of being continued beyond the grant period; and supports programs that demonstrate approaches that can be disseminated and duplicated in other LEAs. Projects supported under this program may also include a professional development component.

**Note III:** In addressing this criterion, applicants may want to consider describing how the project is aligned with standards for foreign language learning and performance guidelines for K–12 learners, is articulated across grade levels, and is designed to ensure that students will, when they graduate from high school, have the skills needed to achieve a superior level of foreign language proficiency by the end of an undergraduate program.

**Note IV:** In addressing this criterion, applicants may want to consider describing the specific definition to be used for an articulated program of study. For example: Each grade level of the elementary-school-through-college foreign language program is designed to expand sequentially on the achievement students have made in the previous level, with a goal of achieving a superior level of language proficiency.

**Note V:** In addressing this criterion, applicants may want to consider describing the specific definition to be used for a superior level of language proficiency. For example: A proficiency level of 3, as measured by the Federal Interagency Language Roundtable (ILR); or a Superior level, as measured by the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines, achieved by a student.

**Note VI:** In addressing this criterion, applicants may want to describe planned assessments to be selected or developed, how they are standards-based and performance-based, and how they are appropriate for measuring student language proficiency in

the planned model of instruction and targeted languages.

**Note VII:** In addressing this criterion, applicants may want to consider describing a plan to carry out activities under the grant as part of their required partnership with one or more IHEs; such as including how each partner will be involved in the planning, development, and implementation of the project; the resources to be provided by each partner; the rationale for selecting the partner(s); and the specific activities (such as curriculum development, assessment development and professional development) that the partner(s) will contribute to the grant during each year of the project.

**Note VIII:** In addressing this criterion, the applicant may want to describe how program objectives are aligned with the Government Performance and Results Act (GPRA) measures for this program.

**Notice IX:** In addressing this criterion, applicants may want to consider discussing how the project design is based on a review of the relevant literature to include available curriculum and instructional materials in the target language.

(c) *Quality of project personnel.* (10 points)

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The qualifications, including relevant training and experience, of the project director or principal investigator.

(2) The qualifications, including relevant training and experience, of key project personnel.

(d) *Quality of the management plan.* (10 points)

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(2) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and

adequate to meet the objectives of the proposed project.

*Note for (d) Quality of the management plan*

Please note that 34 CFR 75.112(b) of EDGAR requires an applicant to include a narrative that describes how and when, in each budget period of the project, the applicant plans to meet each project objective.

(e) *Quality of the project evaluation.* (15 points)

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(3) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(4) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

*Note for (e) Quality of the project evaluation*

Grantees will be expected to report on the progress of their evaluation through the required annual performance report as discussed in section VI.4 of this notice. In addressing this criterion, applicants may want to consider using the evaluation plan to shape the development of the project from the beginning of the grant period. Applicants also may want to include benchmarks to monitor progress toward specific project objectives, including ambitious student foreign language proficiency objectives, and outcome measures to assess the impact on teaching and learning or other important outcomes for project participants.

## 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 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 of 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. *Grant Administration:* Applicants are encouraged to budget for a two-day meeting for project directors in Washington, DC and attending a FLAP meeting at the American Council on the Teaching of Foreign Languages (ACTFL) Conference in San Diego.

4. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. You must also submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. 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>.

5. *Performance Measures:* In response to the Government Performance and Results Act (GPRA), the Department developed three objectives for evaluating the overall effectiveness of the Foreign Language Assistance Program (FLAP) LEA program. Grantees funded under this competition will be expected to collect and report to the Department data related to these measures. Applicants should discuss in the application narrative how they propose to collect these data.

Grantees under this competition are not expected to report on Objective 1, Measures 1.1 of 2 and 1.2 of 2.

*Objective 1:* To expand foreign language study in non-critical languages for students served by FLAP.

*Measure 1.1 of 2:* The number of students participating in foreign language instruction in the non-critical languages(s) in the schools funded by FLAP.

*Measure 1.2 of 2:* The average number of minutes per week of foreign language instruction in the non-critical languages(s) in the schools funded by FLAP.

*Objective 2:* To expand foreign language study in critical languages for students served by FLAP.

*Measure 2.1 of 2:* The number of students participating in foreign language instruction in the critical language(s) in the schools funded by FLAP.

*Measure 2.2 of 2:* The average number of minutes per week of foreign language instruction in the critical languages(s) provided in the schools funded by FLAP.

*Objective 3:* To improve the foreign language proficiency of students served by FLAP.

*Measure 3.1 of 1:* The number of students in FLAP projects who meet ambitious project objectives for foreign language proficiency.

We will expect each LEA funded under this competition to document how its project is helping the Department meet these performance measures. Grantees will be expected to report on progress in meeting these performance measures in their Annual Performance Report and in their Final Performance Report.

## VII. Agency Contacts

### FOR FURTHER INFORMATION CONTACT:

Rebecca Richey, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C144, Washington, DC 20202-6510. *Telephone:* (202) 401-1443 or by *e-mail:* [rebecca.richey@ed.gov](mailto:rebecca.richey@ed.gov) or Cynthia Ryan, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C140, Washington, DC 20202-6510. *Telephone:* (202) 401-1436 or by *e-mail:* [cynthia.ryan@ed.gov](mailto:cynthia.ryan@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 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>.

Dated: April 16, 2009.

**Richard Smith,**

*Acting Assistant Deputy Secretary and Director, Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.*

[FR Doc. E9-9132 Filed 4-20-09; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

### Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students; Overview Information; Foreign Language Assistance Program—Local Educational Agencies

Notice inviting applications for new awards for fiscal year (FY) 2009.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.293B.

#### **DATES:**

*Applications Available:* April 21, 2009.

*Deadline for Notice of Intent to Apply:* May 11, 2009.

*Deadline for Transmittal of Applications:* May 27, 2009.

*Deadline for Intergovernmental Review:* July 27, 2009.

#### **Full Text of Announcement**

##### **I. Funding Opportunity Description**

*Purpose of Program:* The Foreign Language Assistance Program (FLAP) provides grants to local educational agencies (LEAs) for innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students. An LEA that receives a grant under this program must use the funds to support programs that show promise of being continued beyond the grant period and demonstrate approaches that can be disseminated to and duplicated in other LEAs. Projects supported under this program may also include a professional development component.

*Priorities:* This notice involves six competitive preference priorities and two invitational priorities. Competitive Preference Priority #1 is from the notice of final priority for this program published in the **Federal Register** on May 19, 2006 (71 FR 29228). In accordance with 34 CFR 75.105(b)(2)(iv), Competitive Preference Priorities #2 through #6 are from section

5493 of the Foreign Language Assistance Act of 2001 (20 U.S.C. 7259b).

*Competitive Preference Priority #1.* For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 10 points to an application, depending on how well the application meets this priority.

This priority is:  
Competitive Preference Priority #1—Critical Need Languages

This priority supports projects that establish, improve, or expand foreign language learning, primarily during the traditional school day, within grade kindergarten through grade 12, and that exclusively teach one or more of the following less commonly taught languages: Arabic, Chinese, Korean, Japanese, Russian, and languages in the Indic, Iranian, and Turkic language families.

*Competitive Preference Priorities #2 through #6:* For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(ii) we give preference to an application that meets one or more of these priorities.

**Note:** There is no advantage to addressing all of Competitive Preference Priorities #2 through #6. Creating a program around all five priorities may result in an unfocused program design. We give preference to applications describing programs that meet any one of these priorities.

These priorities are:  
*Competitive Preference Priority #2.* Projects that include intensive summer foreign language programs for professional development.

*Competitive Preference Priority #3.* Projects that link non-native English speakers in the community with the schools in order to promote two-way language learning.

*Competitive Preference Priority #4.* Projects that promote the sequential study of a foreign language for students, beginning in elementary schools.

*Competitive Preference Priority #5.* Projects that make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study.

*Competitive Preference Priority #6.* Projects that promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

*Invitational Priorities:* Within Competitive Preference Priorities #1 through #6, we are particularly interested in applications that address the following priorities. For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets one or more of these invitational priorities a competitive or absolute preference over other applications.

These priorities are:  
*Invitational Priority #1.*

Applicants that propose to develop high levels of student foreign language proficiency through increased instructional time in the foreign language, research-based instructional practices, and opportunities that enhance classroom instruction such as community-based activities and study-abroad experiences.

*Invitational Priority #2.* Applicants that propose to collaborate with an institution of higher education to provide professional development for foreign language teachers, which may include teacher “action research” projects, coursework designed to assist teachers in meeting certification or licensure requirements, or long-term professional development to improve teacher instruction and assessment strategies.

*Program Authority:* 20 U.S.C. 7259a–7259b.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98 and 99. (b) The notice of final priority, published in the **Federal Register** on May 19, 2006 (71 FR 29228).

##### **II. Award Information**

*Type of Award:* Discretionary grants.  
*Estimated Available Funds:* \$8,602,733.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2010 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:* \$100,000—\$300,000.

*Estimated Average Size of Awards:* \$200,000.

*Maximum Award:* We will reject any application that proposes a budget exceeding \$300,000 for a single budget period of 12 months. The Assistant Deputy Secretary and Director for the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) may change