

regulatory action is "significant" and therefore subject to the requirements of the Executive order and to review by OMB. Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may (1) have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities in a material way (also referred to as an "economically significant" rule); (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order. Pursuant to the Executive order, the Secretary has determined that this regulatory action is significant under section 3(f)(4) of the Executive order.

This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action and we have determined that the benefits of the adjustments justify the costs.

We have determined, also, that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

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Dated: October 22, 2009.

Arne Duncan,

Secretary of Education.

[FR Doc. E9-25839 Filed 10-26-09; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

National Board for Education Sciences

AGENCY: Department of Education, Institute of Education Sciences.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the National Board for Education Sciences. The notice also describes the functions of the Committee. Notice of this meeting is required by Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend the open portion of the meeting. This notice is being posted less than 15 days prior to the meeting due to logistical issues with scheduling the meeting.

DATES: November 9, 2009.

Time: 8:30 a.m. to 5 p.m.

ADDRESSES: 80 F Street, NW., Room 100, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT:

Norma Garza, Executive Director, National Board for Education Sciences, 555 New Jersey Ave., NW., Room 602 K, Washington, DC 20208; *phone:* (202) 219-2195; *fax:* (202) 219-1466; *e-mail:* Norma.Garza@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The National Board for Education Sciences is authorized by Section 116 of the Education Sciences Reform Act of 2002 (ESRA). The Board advises the Director of the Institute of Education Sciences (IES) on the establishment of activities to be supported by the Institute, on the funding for applications for grants, contracts, and cooperative agreements for research after the completion of peer review, and reviews and evaluates the work of the Institute. At this time, the Board consists of only six of fifteen appointed members due to the expirations of the terms of nine members. The Board shall meet and can carry out official business because the ESRA states that a majority of the voting members serving at the time of a meeting constitutes a quorum.

On November 9 from 8:30 a.m. to 8:45 a.m., the Board will approve the agenda and hear remarks from the chair and the executive director. From 8:45 a.m. to 10 a.m., IES director John Easton will give an update on the work of the agency, followed by updates on the IES centers until 11:30 a.m. Ex officio members will give overviews of their agencies' work from 11:30 a.m. to 12:30 p.m., after which there will be a break for lunch until 2 p.m.

The afternoon's sessions will include a Practice Guides Overview from 2 to 3 p.m. This will be followed by presentations on recently released IES Teacher Quality Evaluations and a discussion of findings, which will conclude at 4:30 p.m. The Board will conclude the meeting with a consideration of summary views and next steps prior to adjournment at 5 p.m. A final agenda will be available from Norma Garza (see contact information above) on October 26. Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistance listening devices, or materials in alternative format) should notify Norma Garza no later than October 26. We will attempt to meet requests for accommodations after this date but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

Records are kept of all Committee proceedings and are available for public inspection at 555 New Jersey Ave., NW., Room 602 K, Washington, DC 20208, from the hours of 9 a.m. to 5 p.m., Eastern Standard Time Monday through Friday.

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John Q. Easton,

Director, Institute of Education Sciences.

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BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Assessment, To Open a Public Scoping Period, and To Conduct a Public Scoping Meeting

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of Intent to Prepare an Environmental Assessment, to open a public scoping period, and to conduct a public scoping meeting for the funding of the construction and operation of the Facility for Rare Isotope Beams at Michigan State University, East Lansing, Michigan.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA) and to hold a public scoping meeting on the proposed Federal action to fund the construction and operation of the Facility for Rare Isotope Beams (FRIB) on the campus of Michigan State University (MSU) in East Lansing, Michigan. FRIB's design is composed of buildings and/or building additions for a heavy ion/proton accelerator, ancillary laboratories, and support facilities. Construction/operation would occur adjacent to the existing National Superconducting Cyclotron Laboratory (NSCL), which would ultimately be subsumed into FRIB. The EA will identify and assess potential environmental impacts from the Proposed Action and a range of reasonable alternatives so DOE can determine whether to prepare an environmental impact statement (EIS) or issue a finding of no significant impact (FONSI). DOE is also opening a 45-day scoping period to allow the public the opportunity to voice any concerns it might have and to make recommendations about the analytical approach and alternatives. During the scoping period, a public meeting will be held. If at any point during the preparation of the EA DOE determines that it is necessary to prepare an EIS, this scoping process will serve as the scoping process that would normally follow a Notice of Intent to prepare an EIS.

DATES: The public scoping period starts with the publication of this Notice in

the **Federal Register** and will continue until December 11, 2009. DOE will consider all comments received or postmarked by that date in defining the scope of the EA. Comments received or postmarked after that date will be considered to the extent practicable.

DOE invites public comment on the scope of this EA during a public scoping meeting from 6:30 p.m. to 10 p.m. on November 11, 2009 in room 1400 of the Biomedical and Physical Sciences Building (BPS) on the campus of Michigan State University, in East Lansing, Michigan. The scoping meeting will be preceded by an educational open house to be held from 4 p.m. to 6 p.m. at the NSCL, which is adjacent to BPS.

ADDRESSES: Written comments or suggestions on the scope of the EA may be submitted by mail to: FRIB Comments, U.S. Department of Energy, Office of Science, Chicago Office (STS), 9800 South Cass Avenue, Argonne, Illinois 60439; by toll free fax to 1-888-676-3672; by e-mail to frib.comments@ch.doe.gov; or through the EA Web site at <http://www.frib.msu.edu/NEPA/>.

The Pre-approval Draft EA is expected to be completed in the Spring of 2010. Advance requests for copies can also be made at this time via the methods above. In making your request, please specify whether you would like a paper copy, a compact disc, or notification of its availability on the Internet.

FOR FURTHER INFORMATION CONTACT: For further information on the proposed project, contact Mr. James Hawkins, FRIB Program Manager, U.S. Department of Energy, SC-26.2/ Germantown Building, 1000 Independence Avenue, SW., Washington, DC 20585-1290, by telephone at 301-903-3613, or via e-mail at James.Hawkins@science.doe.gov; or Dr. Thomas Glasmacher, FRIB Project Manager, Facility for Rare Isotope Beams, Michigan State University, East Lansing, MI 48824-1321, by telephone at 517-908-7750, or via e-mail at glasmacher@frib.msu.edu. The FRIB project is described in detail at the FRIB Web site, <http://www.frib.msu.edu/>.

For general information concerning DOE's NEPA process, contact: Peter Siebach, NEPA Compliance Officer, U.S. Department of Energy, Office of Science-Chicago Office (STS), 9800 South Cass Avenue, Argonne, Illinois 60439, by telephone at 603-252-2007, or via e-mail at Peter.Siebach@ch.doe.gov. This Notice of Intent and general information on the DOE NEPA process are available at <http://www.gc.energy.gov/NEPA/>.

SUPPLEMENTARY INFORMATION:

Background

DOE published a "funding opportunity announcement" on May 20, 2008 seeking applications for the design and establishment of a particle acceleration facility—the FRIB—as a National User Facility. The FRIB would take about a decade to design and build and would cost an estimated \$550 million, including cost sharing from MSU. MSU would also make other, non-monetary contributions. The research conducted at FRIB would involve experimentation with intense beams of rare isotopes—short-lived nuclei not normally found on earth—that will enable researchers to address pressing questions in nuclear structure and nuclear astrophysics. Two applications were received. The results of an independent merit review process, as well as an environmental critique, i.e., a comparison of environmental information provided in the applications, were considered by DOE and on December 11, 2008, MSU was selected to design and establish the FRIB. A cooperative agreement with DOE was signed on June 8, 2009, establishing terms and conditions for the work to be performed and ensuring DOE's substantial ongoing involvement in the project.

Purpose and Need for Action

DOE has a mission to advance our basic understanding of science. Scientific research at a FRIB holds the promise to vastly expand our understanding of nuclear astrophysics and nuclear structure. DOE determined that the establishment of the FRIB is a high priority for the future of U.S. nuclear science research. The FRIB establishes a highly sophisticated research laboratory that would produce intense beams of rare isotopes. These beams enable scientists to study the nuclear reactions that power stars and generate the elements found on earth; explore the structure of the nuclei of atoms, which form the core of all matter and the forces that bind them together; test current theories about the fundamental nature of matter; and play a role in developing new nuclear medicines and other societal applications of rare isotopes.

The FRIB concept has undergone numerous studies and assessments within DOE and by independent parties such as the National Research Council of the National Academy of Sciences. These studies—in addition to the joint DOE/National Science Foundation (NSF) Nuclear Science Advisory Committee (NSAC) 2007 Long Range Plan—concluded that such a facility is