

uniform approach, however, the Department would require a State to demonstrate that its method for calculating AMAOs for consortia would hold all consortia accountable for ensuring that LEP students acquire English language skills and make AYP.

If a State intends to, among other things, combine assessment or other data, apply a minimum group size ("n"-size) or confidence intervals, create a "consortium AYP" calculation, or treat individual LEAs separately for the purposes of calculating AMAOs, the State would have to describe its methods and rationale in its State Title III plan.

If a State intends to change the way it computes AMAOs for consortia, or wishes to propose criteria for using different approaches based on the characteristics of consortia, the Secretary would require the State to submit, for approval, an amendment to its Title III Consolidated State application, required under section 3113 of the ESEA.

10. Implementation of Corrective Actions Under Title III

Background: Section 3122(b) of the ESEA describes the actions that a State and subgrantee must take if the subgrantee fails to meet Title III AMAOs for two or four consecutive years. If a State determines that a subgrantee has failed to make progress toward meeting the AMAOs for two consecutive years, the State must require the subgrantee to develop an improvement plan. The improvement plan must specifically address the factors that prevented the subgrantee from meeting the AMAOs. If a State determines that an eligible subgrantee has not met the AMAOs for four consecutive years, the State must—(1) Require the subgrantee to modify its curriculum, program, and method of instruction; or (2) determine whether the subgrantee should continue to receive Title III funds and require the subgrantee to replace educational personnel relevant to the subgrantee's failure to meet the objectives. Furthermore, section 3302 of Title III requires that parents of LEP students served by a subgrantee receive notice each year that a subgrantee does not meet AMAOs.

Interpretation: Through this notice, the Secretary intends to reinforce the proper implementation of the requirements of section 3122(b). First, the Department proposes to interpret this provision to require that *all* States comply with Title III requirements and make determinations for each of the three AMAO targets—making progress in English proficiency (AMAO 1),

attaining English proficiency (AMAO 2), and AYP for the LEP subgroup (AMAO 3)—for *every* Title III subgrantee in the State for *every* school year. Not meeting any one of the three AMAO targets in a given school year constitutes not meeting AMAOs.

The Department also proposes to interpret Title III to require that States annually inform their subgrantees when the subgrantees do not meet the State's AMAO targets—for each and every AMAO target the subgrantee does not meet. In addition, States and subgrantees must communicate AMAO determinations to the parents of LEP students served by subgrantees' Title III programs when subgrantees do not meet AMAOs.

Explanation: In monitoring State compliance with Title III, the Department has become aware that some States have made AMAO determinations and reported those determinations to the Department, but have neither informed subgrantees of the AMAO determinations nor implemented any measures to address subgrantees' failures to meet the AMAOs. The purpose of including these interpretations in this notice is to be clear that States must communicate with Title III subgrantees and the parents of students served by or identified for services by the subgrantees about student progress and achievement, as well as provide parents with information about their child's education; these requirements are central to the purposes and goals of NCLB.

Thus, the Department expects States, on an annual basis, to maintain evidence that (a) the State has informed a subgrantee if the subgrantee did not meet one or more AMAO, (b) the subgrantee has notified parents that it did not meet one or more AMAO, (c) the State has provided required technical assistance to the subgrantee, and (d) the State has implemented required measures to address the subgrantee's failure to meet the AMAOs. The Department may review this evidence as part of its annual desk audits and on-site monitoring in order to ensure that Title III corrective action requirements are being appropriately and effectively implemented.

Proposed Rulemaking

Under the Administrative Procedure Act (5 U.S.C. 553) (APA), this notice is an interpretative rule and therefore is exempt from the notice-and-comment rulemaking requirements under the APA. Notwithstanding this exemption, the Department is soliciting public comment on these proposed

interpretations so that we can provide additional details and clarifications in a notice of final interpretations.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Electronic Access to This Document

You may review this document, as well as all 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 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 29, 2008.

Margaret Spellings,

Secretary of Education.

[FR Doc. E8-9708 Filed 5-1-08; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Biomass Research and Development Technical Advisory Committee

AGENCY: Department of Energy, Office of Energy Efficiency and Renewable Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under the Biomass Research and Development Act of 2000. The Federal Advisory Committee Act (Pub. L. No. 92-463, as amended) requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and

Development Technical Advisory Committee.

Dates and Times: May 20, 2008 at 12:30 p.m. to 5 p.m., May 21, 2008 at 8 a.m. to 12:30 p.m.

ADDRESSES: Iowa Corn Promotion Board—Board Room, 5505 NW 88th Street, Johnston, Iowa 50131, Phone: (515) 225-9242.

FOR FURTHER INFORMATION CONTACT:

Valri Lightner, Designated Federal Officer for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586-0937 or Carolyn Clark at (202) 586-8077; E-mail: cclark@bcs-hq.com.

SUPPLEMENTARY INFORMATION: *Purpose of Meeting:* To provide advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda: Agenda will include the following:

- Update on the 2007 Joint Solicitation and Farm Bill;
- Update on the 2008 Joint Solicitation and Biomass R&D Board Activities;
- Update on FY 2008 and FY 2009 USDA Renewable Energy Budget;
- Discussion of FY 2008 Annual Recommendations;
- Presentation on the Future State of Cellulosic Biofuels.

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you should contact Valri Lightner at 202-586-0937; E-mail: valri.lightner@ee.doe.gov or Carolyn Clark at (202) 586-8077; E-mail: cclark@bcs-hq.com. You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chair of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Chair will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room; Room 1E-190; Forrestal Building; 1000 Independence

Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 28, 2008.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E8-9676 Filed 5-1-08; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

April 25, 2008.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC08-59-000.

Applicants: Harbinger Capital Partners Master Fund I; Harbinger Capital Partners Special Situation.

Description: Supplement to Section 203 Application of Harbinger Capital Partners Master Fund I, Ltd., *et al.*

Filed Date: 04/24/2008.

Accession Number: 20080425-5028.

Comment Date: 5 p.m. Eastern Time on Monday, May 5, 2008.

Docket Numbers: EC08-74-000.

Applicants: Stargen CO IGP, LLC; Stargen CO ILP, L.L.C., Thermo Cogeneration Partnership L.P.

Description: Stargen CO IGP, LLC and Stargen CO ILP, LLC *et al.* submits the Joint Application for Authorization Under Section 203 of the Federal Power Act and Request for Confidential Treatment, Expedited Action and Waivers etc.

Filed Date: 04/18/2008.

Accession Number: 20080422-0154.

Comment Date: 5 p.m. Eastern Time on Friday, May 09, 2008.

Docket Numbers: EC08-76-000.

Applicants: Macquarie Group Limited.

Description: Macquarie Group Limited submits application under 203 of the Federal Power Act for a modification of the foreign utility company acquisition verification procedure under rule 33, (c) (5) of the Commission's regulations.

Filed Date: 04/22/2008.

Accession Number: 20080424-0124.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 13, 2008.

Docket Numbers: EC08-77-000.

Applicants: Whiting Clean Energy, Inc., BP Alternative Energy North America, Inc., NiSource Inc., PEI Holdings, Inc.

Description: Whiting Clean Energy, Inc. *et al.* submits Joint Application for

Authorization under 203 of the Federal Power Act and Request for Expedited Treatment.

Filed Date: 04/22/2008.

Accession Number: 20080424-0127.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 13, 2008.

Docket Numbers: EC08-78-000.

Applicants: Duke Energy Ohio, Inc.; Cinergy Corp.; Cinergy Power Investments, Inc.; Generating Facility LLCs.

Description: Application for Authorization of Disposition of Jurisdictional Assets Under Section 203 of the Federal Power Act of Cinergy Corp., *et al.*

Filed Date: 04/23/2008.

Accession Number: 20080424-5015.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 14, 2008.

Docket Numbers: EC08-79-000.

Applicants: West Valley Leasing Company, LLC; CER Generation II, LLC.

Description: West Valley Leasing Co., LLC and CER Generation II LLC request that FERC authorize the transaction and establish a notice period of 21 days.

Filed Date: 04/22/2008.

Accession Number: 20080425-0010.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 13, 2008.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG08-65-000.

Applicants: CER Generation II, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of CER Generation II, LLC.

Filed Date: 04/22/2008.

Accession Number: 20080422-5149.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 13, 2008.

Docket Numbers: EG08-66-000.

Applicants: Tuolumne Wind Project, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status for Tuolumne Wind Project LLC.

Filed Date: 04/22/2008.

Accession Number: 20080422-5151.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 13, 2008.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER91-569-041.

Applicants: Entergy Services, Inc.

Description: Entergy Arkansas Inc. *et al.* submits a report to FERC re a non-material change in status pursuant to the requirements of Order 652.

Filed Date: 04/23/2008.

Accession Number: 20080424-0231.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 14, 2008.