

effects. Significant impacts could occur to socio-economics and land use.

The public is invited to participate in the scoping process, which begins with the publication of this Notice of Intent in the **Federal Register** and will last for 30 days. The scoping process will include at least three public scoping meetings, which are opportunities for the public to receive information about the proposed action and alternatives, and to assist the Army in determining issues related to the proposed acquisition to be addressed in the EIS. These meetings will be held in communities surrounding Fort Benning and the specific details of the meetings will be announced in local media sources. The public will also be invited to review and comment on the Draft EIS when it is available for review. Comments from the public will be considered before any decision is made regarding implementing the proposed action at Fort Benning.

Dated: May 24, 2010.

**Addison D. Davis, IV,**

*Deputy Assistant Secretary of the Army  
(Environment, Safety and Occupational Health).*

[FR Doc. 2010-13443 Filed 6-3-10; 8:45 am]

**BILLING CODE 3710-08-P**

## DEPARTMENT OF EDUCATION

### Office of Elementary and Secondary Education

Overview Information; Impact Aid Discretionary Construction Grant Program; Notice inviting applications for New Awards Using Fiscal Year 2009 Funds.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.041C.

#### DATES:

*Applications Available:* June 4, 2010.  
*Deadline for Transmittal of Applications:* July 6, 2010.  
*Deadline for Intergovernmental Review:* August 3, 2010.

#### Full Text of Announcement

##### I. Funding Opportunity Description

**Purpose of Program:** The Impact Aid Discretionary Construction Grant program provides grants for emergency repairs and modernization of school facilities to certain eligible local educational agencies (LEAs) that receive formula Impact Aid funds.

**Priority:** In this notice, the Secretary is soliciting applications only for Priority 1 emergency repair grants. We will not accept applications for Priority 2 emergency repair or modernization grants at this time. In accordance with

34 CFR 75.105(b)(2)(ii) and (iv), this priority is from section 8007(b)(2)(A) of the Elementary and Secondary Education Act of 1965, as amended (Act) (20 U.S.C. 7707(b)), and the regulations for this program in 34 CFR 222.177.

**Absolute Priority:** For this competition using FY 2009 funds, this is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is: Priority 1 emergency repair grants. An LEA is eligible to apply for an emergency grant under the first priority of section 8007(b) of the Act if it—

(a) Is eligible to receive formula construction funds for fiscal year 2009 under section 8007(a) of the Act (20 U.S.C. 7707(a));

(b)(1) Has no practical capacity to issue bonds;

(2) Has minimal capacity to issue bonds and has used at least 75 percent of its bond limit; or

(3) Is eligible to receive funds for fiscal year 2009 for heavily impacted districts under section 8003(b)(2) of the Act (20 U.S.C. 7707(b)(2)); and

(c) Has a school facility emergency that the Secretary has determined poses a health or safety hazard to students and school personnel.

**Note:** For each of the competitions held under this program with FYs 2002, 2003, 2004, 2005, and 2008 funds, the amounts requested by applicants for Priority 1 grants exceeded the funds available. (The Impact Aid Discretionary grant program was not funded in FYs 2006 and 2007.)

**Program Authority:** 20 U.S.C. 7707(b).

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75 (except for 34 CFR 75.600 through 75.617), 77, 79, 80, 82, 84, 85, 97, 98, and 99. (b) The regulations for this program in 34 CFR part 222.

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

##### II. Award Information

**Type of Award:** Discretionary grant.  
**Estimated Available Funds:**

\$17,509,000.

**Estimated Range of Awards:** \$50,000–\$5,000,000.

**Estimated Average Size of Awards:** \$1,600,000.

**Estimated Number of Awards:** 11.

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

**Project Period:** Up to 60 months. We will determine each project period

based on the nature of the project proposed and the time needed to complete the project. We will specify this period in the grant award document.

##### III. Eligibility Information

1. **Eligible Applicants:** To be eligible for an emergency repair grant, an LEA must enroll a high percentage (at least 40 percent) of federally connected children in average daily attendance (ADA) who reside on Indian lands or who have a parent on active duty in the U.S. uniformed services, have a school that enrolls a high percentage of one of these types of students, be eligible for funding for heavily impacted LEAs under section 8003(b)(2) of the Act, or meet the specific numeric requirements regarding bonding capacity. In making emergency grant awards, the Secretary must also consider the LEA's total assessed value of real property that may be taxed for school purposes, its use of available bonding capacity, and the nature and severity of the school facility emergency.

2.a. **Cost Sharing or Matching:** See 20 U.S.C. 7707(b)(5) and 34 CFR 222.174 and 222.191 through 222.193. In reviewing proposed awards, the Secretary considers the funds available to the grantee from other sources, including local, State, and other Federal funds. Consistent with 34 CFR 222.192, applicants will be required to submit financial reports for FYs 2007, 2008, and 2009, or the most recently available financial reports showing closing balances for all school funds. If significant amounts were available at the close of FY 2009 that are not obligated for other purposes, those funds will be considered as available for the proposed emergency repair project, which may reduce or eliminate the award for an emergency grant.

b. **Supplement-Not-Supplant:** As outlined in 34 CFR 222.174, grants made under this program are subject to supplement, not supplant funding provisions. Grant funds under this program may not be used to supplant or replace other available non-Federal construction money.

##### IV. Application and Submission Information

1. **Address to Request Application Package:** An electronic application is available at: <http://e-grants.ed.gov>. For assistance, please contact Kristen Walls-Rivas, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C155, Washington, DC 20202-6244. Phone: 1-202-260-1357. Fax: 1-866-799-1272. E-mail: [Kristen.Walls-Rivas@ed.gov](mailto:Kristen.Walls-Rivas@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or computer diskette) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

**2. Content and Form of Application Submission:** Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

**Page Limit:** We strongly recommend that applicants limit their responses in each applicable narrative section to two pages. The narrative should be double spaced using a 12-point font or greater. The page should have a margin that is one inch or greater.

**3. Submission Dates and Times:**

*Applications Available:* June 4, 2010.

*Deadline for Transmittal of*

*Applications:* July 6, 2010.

Applications for grants under this competition must be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-Grants system. 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.7. *Other Submission Requirements* of this notice.

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.

*Deadline for Intergovernmental Review:* August 3, 2010.

**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:** Except for applicants with no practical capacity to issue bonds, as defined in 34 CFR 222.176, an eligible applicant's award amount(s) may not be more than 50 percent of the total cost of an approved project(s) and may not exceed four million dollars during any four-year period. See 34 CFR 222.193. While applicants may submit multiple applications, the Department may limit

awards for a single applicant based on factors specified in 34 CFR 75.217, including the applicant's performance and use of funds under a prior award. Unallowable costs are specified in 34 CFR 222.173. Grant recipients must, in accordance with Federal, State, and local laws, use emergency grants for permissible construction activities at public elementary and secondary school facilities. The scope of a selected facilities project will be identified as part of the final grant award conditions. A grantee must also ensure that its construction expenditures under this program meet the requirements of 34 CFR 222.172 (allowable program activities) and 34 CFR 222.173 (prohibited activities).

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

**6. Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:** To do business with the Department of Education, (1) you must have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN); (2) you must register both of those numbers with the Central Contractor Registry (CCR), the Government's primary registrant database; and (3) you must provide those same numbers on your application.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2-5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

**7. Other Submission Requirements:** Applications for grants under this competition 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 Impact Aid Discretionary Construction Grant Program, CFDA number 84.041C, must be submitted electronically using the e-Application system available through the Department's e-Grants system, accessible through the e-Grants portal page 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. The e-Application system will not accept an application for this competition after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- The regular 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 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, for maintenance. 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 Discretionary Construction Program under Section 8007(b) and all necessary

signature pages. The cover page and the independent certification may be sent either by facsimile or by e-mail. All additional narrative documents must be attached to the 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.

- 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).

- By 4:30:00 p.m., Washington, DC time, on the application deadline date, you must fax or e-mail a signed copy of the cover page and the emergency certification form for the Application for Discretionary Construction Program under Section 8007(b) to the Impact Aid Program after following these steps:

- (1) Print a copy of the application from e-Application for your records. You should print these forms in landscape page orientation to ensure the entire application is printed correctly. To print using the landscape orientation: (1) Open the application in e-Application, (2) Go to the forms page, (3) Click the printer icon next to the form link in e-Application, (4) Go to File on your Internet browser menu, (5) Select page set up, (6) Select the Landscape under page orientation, (7) Click "OK," and (8) Print page.

- (2) Have the applicant's Authorized Representative date and sign the cover page. The local certifying official must sign the certification for an emergency application. These forms must be submitted by 4:30:00 p.m., Washington, DC time, on the application deadline date in order to be considered for funding under this program.

- (3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the Application for Discretionary Construction Program under Section 8007(b).

- (4) Fax or e-mail the signed cover page and independent certification for the Discretionary Construction Program under Section 8007(b) to the Impact Aid Program to 1-866-799-1272 or by e-mail to [Impact.Aid@ed.gov](mailto:Impact.Aid@ed.gov). These forms must be submitted by 4:30:00 p.m., Washington, DC time, on the application deadline date in order to be considered for funding under this program.

- We may request that you provide us additional signed forms at a later date.

#### *Application Deadline Date Extension in Case of e-Application System Unavailability:*

If you are prevented from electronically submitting your application on the application deadline date because the e-Application system 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—

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

- (2) (a) The e-Application system 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) The e-Application system 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 the e-Application system 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 the Department's e-Application system.

*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 the e-Application system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Department's e-Application system; 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: Kristen Walls-Rivas, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C155, Washington, DC 20202-6244. FAX: 1-866-799-1272.

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, Impact Aid Program, Attention: (CFDA Number 84.041C), Room 3C155, 400 Maryland Avenue, SW., Washington, DC 20202-6244.

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

- (1) A legibly dated U.S. Postal Service postmark,

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

- (3) A dated shipping label, invoice, or receipt from a commercial carrier, or

- (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, or

- (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, Impact Aid Program, Attention: (CFDA Number 84.041C), Room 3C155, 400 Maryland Avenue, SW., Washington, DC 20202–6244.

The Impact Aid Program accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays. **Note for Mail or Hand**

**Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope—if not provided by the Department—the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Impact Aid Program 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 Impact Aid Program at (202) 260–3858.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 20 U.S.C. 7707(b)(4) and (b)(6), and are further clarified in 34 CFR 222.183 and 222.187 and described in the following paragraphs. The Secretary gives distinct weight to the listed selection criteria. The maximum score for each criterion is indicated in parentheses. Within each criterion, the Secretary evaluates each factor equally, unless otherwise specified. The maximum score that an application may receive is 100 points.

(1) Need for project/severity of the school facility problem to be addressed by the proposed project. (up to 30 points)

(a) Justification that the proposed project will address a valid emergency, and consistency of the emergency description and the proposed project with the certifying local official's statement.

(b) Impact of the emergency condition on the health and safety of the building occupants or on program delivery. Applicants should describe the systems or areas of the facility involved, e.g., HVAC, roof, floor, windows; the type of space affected, such as instructional, resource, food service, recreational, general support, or other areas; the percentage of building occupants affected by the emergency; and the importance of the facility or affected area to the instructional program.

(2) Project urgency. (up to 28 points)

(a) Risk to occupants if the facility condition is not addressed. Applicants should describe projected increased future costs; the anticipated effect of the proposed project on the useful life of the facility or the need for major construction; and the age and condition of the facility and date of last renovation of affected areas.

(b) The justification for rebuilding, if proposed.

(3) Effects of Federal presence. (up to 30 points total)

(a) Amount of non-taxable Federal property in the applicant LEA (percentage of Federal property divided by 10); (up to 10 points)

(b) The number of federally connected children identified in section 8003(a)(1)(A), (B), (C), and (D) of the Act in the LEA (percentage of identified children in LEA divided by 10); (up to 10 points)

(c) The number of federally connected children identified in section 8003(a)(1)(A), (B), (C), and (D) of the Act in the school facility (percentage of identified children in school facility divided by 10); (up to 10 points)

(4) Ability to respond or pay. (up to 12 points total)

(a) The percentage an LEA has used of its bonding capacity. Four points will be distributed based on this percentage so that an LEA that has used 100 percent of its bonding capacity receives all four points and an LEA that has used less than 25 percent of its bond limit receives only one point. LEAs that do not have limits on bonded indebtedness established by their States will be evaluated by assuming that their bond limit is 10 percent of the assessed value of real property in the LEA. LEAs deemed to have no practical capacity to issue bonds will receive all four points. (up to four points)

(b) Assessed value of real property per student (Applicant LEA's total assessed valuation of real property per pupil as a percentile ranking of all LEAs in the State). Points will be distributed by providing all four points to LEAs in the State's poorest quartile and only one point to LEAs in the State's wealthiest quartile. (up to four points)

(c) Total tax rate for capital or school purposes (applicant LEA's tax rate for capital or school purposes as a percentile ranking of all LEAs in the State). If the State authorizes a tax rate for capital expenditures, then these data must be used; otherwise, data on the total tax rate for school purposes are used. Points will be distributed by providing all four points to LEAs in the State's highest-taxing quartile and only one point to LEAs in the State's lowest-taxing quartile. (up to four points)

## 2. Review and Selection Process:

Upon receipt, Impact Aid program staff will screen all applications to eliminate any applications that do not meet the eligibility standards, are incomplete, or are late. Applications that do not contain a signed cover page and a signed independent certification received by the Impact Aid Program by 4:30:00 p.m., Washington, DC time, on the application deadline date are considered incomplete and will not be considered for funding. Program staff will also calculate the scores for each application under criteria (3) and (4). Panel reviewers will assess the applications under criteria (1) and (2).

(a) Applications are ranked based on the total number of points received during the review process. Those with the highest scores will be at the top of the funding slate.

(b) While applicants may submit multiple applications, the Department may limit awards for a single applicant based on factors specified in 34 CFR 75.217, including the applicant's performance and use of funds under a prior award.

(c) For applicants that request funding for new construction and that are selected for funding, the Impact Aid Program will request a feasibility of construction study prior to making an award determination. The independent third party study should demonstrate that the area upon which the construction will occur is suitable for construction and will be able to sustain the new facility or addition. This study should include information to show that the soil is stable, the site is suitable for construction and the existing infrastructure can serve and sustain the new facility.

## 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. **Reporting:** At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. In general, grantees must comply with applicable reporting requirements in 34 CFR parts 75 and 80. In addition, grantees will be required to provide periodic performance and financial reports, as specified in individual grant award conditions and 34 CFR 222.195. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. **Performance Measures:** The Department has established the following performance measure for this program: an increasing percentage of LEAs receiving Impact Aid Construction funds will report that the overall condition of their school buildings is adequate. Data for this measure will be reported to the Department on Table 10 of the application for Impact Aid Section 8003 Basic Support Payments.

## VII. Agency Contact

**For Further Information Contact:** Kristen Walls-Rivas, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C155, Washington, DC 20202-6244. Telephone: (202) 260-3858 or by e-mail: [Impact.Aid@ed.gov](mailto:Impact.Aid@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, audiotope, or computer diskette) on request to the program contact person 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: June 1, 2010.

**Thelma Meléndez de Santa Ana,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2010-13491 Filed 6-3-10; 8:45 am]

**BILLING CODE 4000-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9159-2]

### Draft National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit for Point Source Discharges From the Application of Pesticides

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of draft permit and notice of public meetings.

**SUMMARY:** All ten EPA Regions today are proposing a draft NPDES general permit for point source discharges from the application of certain pesticides to waters of the United States. Once finalized, this permit will be available to operators in those areas where EPA is the NPDES permitting authority. This action is in response to the Sixth Circuit Court's ruling that vacated an EPA regulation that excluded discharges from the application of pesticides to or over, including near waters of the United States from the need to obtain an NPDES permit if the application was done in accordance with other laws. EPA requested and was granted a two-year stay of the Court's mandate to provide time to draft and implement the permit noticed today. The stay of the mandate expires on April 9, 2011; where after, NPDES permits will be required for all point source discharges to waters of the United States of biological pesticides, and chemical pesticides that leave a residue.

This **Federal Register** notice briefly summarizes the requirements in this draft general permit for pesticides applications to waters of the U.S. EPA is soliciting public comment on all aspects of the draft NPDES permit. This **Federal Register** notices also includes a list of specific issues about which the

Agency is particularly asking for comment. Supporting documentation to the permit is contained in an accompanying fact sheet. The public is encouraged to read this fact sheet to better understand the permit requirements. The fact sheet and permit can be found at <http://www.epa.gov/npdes/pesticides>.

**DATES:** Comments on the draft general permit must be received on or before July 19, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2010-0257, by one of the following methods:

1. <http://www.regulations.gov>: Follow the online instructions for submitting comments.

2. *E-mail:* [ow-docket@epa.gov](mailto:ow-docket@epa.gov).

3. *Mail to:* Water Docket, U.S.

Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2010-0257.

4. *Hand Delivery:* EPA Docket Center, EPA West Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004, Attention: Docket ID No. EPA-HQ-OW-2010-0257. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OW-2010-0257. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA