

Transmittal No. 09-46

Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
Of the Arms Export Control Act, as amended

Annex  
Item No. vii

(vii) Sensitivity of Technology:

1. The Javelin Weapon System hardware and the documentation provided with the sale thereof are unclassified. However, sensitive technology is contained within the system itself. This sensitivity is primarily in the software programs which instruct the system how to operate in the presence of countermeasures.

2. The JAVELIN Anti-Tank missile system provides a man-portable, medium anti-tank capability to infantry, scouts, and combat engineers. JAVELIN is comprised of two major tactical components: a reusable Command Launch Unit (CLU) and a missile sealed in a disposable launch tube assembly. The CLU provides the interface between the operator and the missile. The CLU incorporates an integrated day/night sight and provides target engagement capability in adverse weather and countermeasure environments. The CLU's thermal sight is a second-generation Forward Looking Infrared (FLIR) sensor, operating in the 8 to 10 microns wavelength, and is a 240x2 scanning array integral with Dewar/Cooler unit. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the CLU after mating and prior to launch. JAVELIN is Unclassified; however, information associated with the system is classified up to Secret.

3. The software programs contained in the JAVELIN Weapon System are in the form of microprocessors equipped with available Read Out Memory maps. However, the system does not allow access to the actual software program. The overall hardware is considered sensitive in that the modulation frequency and infrared wavelengths could be useful in attempted countermeasure developments.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

Dated: December 1, 2009.

**Mitchell S. Bryman,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

[FR Doc. E9-29022 Filed 12-4-09; 8:45 am]

BILLING CODE 5001-06-C

**DEPARTMENT OF EDUCATION**

[CFDA NO. 84.031H]

**Office of Postsecondary Education;  
Strengthening Institutions Program  
(SIP), American Indian Tribally  
Controlled Colleges and Universities  
(TCCU), Alaska Native and Native  
Hawaiian-Serving Institutions (ANNH),  
Asian American and Native American  
Pacific Islander-Serving Institutions  
(AANAPISI), Native American Serving  
Nontribal Institutions (NASNTI),  
Developing Hispanic-Serving  
Institutions (HSI), Promoting  
Postbaccalaureate Opportunities for  
Hispanic Americans (PPOHA), and  
Predominantly Black Institutions (PBI)  
Programs for Fiscal Year (FY) 2010**

*Purpose of Programs:* The SIP, TCCU, ANNH, AANAPISI, NASNTI and PBI Programs are authorized under Title III,

Part A, of the Higher Education Act of 1965, as amended (HEA). Under these programs, institutions of higher education (IHEs or institutions) are eligible to apply for grants if they meet specific statutory and regulatory eligibility requirements. Similarly, IHEs are eligible to apply for grants under Title V of the HEA if they meet specific statutory and regulatory requirements. The HSI and PPOHA Programs are authorized under Title V, Parts A and B of the HEA. In addition, under Title III of the HEA, institutions applying for grants under the AANAPISI and NASNTI Programs must be eligible institutions as defined in section 312(b) of the HEA. Institutions applying for grants under the PBI Program must be eligible institutions as defined in section 318(b)(1).

An IHE that is designated as an eligible institution may also receive a

waiver of certain non-Federal cost-share requirements under the Federal Supplemental Educational Opportunity Grant (FSEOG), the Federal Work Study (FWS), the Student Support Services (SSS), and the Undergraduate International Studies and Foreign Language (UISFL) Programs. The FSEOG, FWS, and SSS Programs are authorized under Title IV of the HEA. The UISFL Program is authorized under Title VI of the HEA. Qualified institutions may receive these waivers even if they are not recipients of grant funds under the Title III or Title V Programs.

**Special Note:** To qualify as an eligible institution under the Title III or Title V Programs, your institution must satisfy several criteria, including one related to needy student enrollment and one related to average educational and general (E&G) expenditures for a specified base year. The most recent data available for E&G expenditures are for base year 2007–2008. In order to award FY 2010 grants in a timely manner, we will use the most recent data available. Therefore, we use E&G expenditure threshold data from the base year 2007–2008. In completing your eligibility application, please use E&G expenditure data from the base year 2007–2008.

If you are designated as an eligible institution and you do not receive a new award under the Title III or Title V Programs in FY 2010, your eligibility for the non-Federal cost-share waiver under the FSEOG, the FWS, the SSS, and the UISFL Programs is valid for five consecutive years. You will not need to reapply for eligibility until 2015, unless you wish to apply for a new Title III or Title V grant. All institutions interested in applying for a new FY 2010 Title III or Title V grant or requesting a waiver of the non-Federal cost share, must

apply for eligibility designation in FY 2010. Under the HEA, any institution interested in applying for a grant under any of these programs must first be designated as an eligible institution.

**Eligible Applicants:** To qualify as an eligible institution under the Title III or Title V Programs, an accredited institution must, among other requirements, have an enrollment of needy students, and its average E&G expenditures per full-time equivalent (FTE) undergraduate student must be low in comparison with the average E&G expenditures per FTE undergraduate student of institutions that offer similar instruction.

The eligibility requirements for the Title III Programs are found in 34 CFR 607.2 through 607.5. The regulations may be accessed at the following Web site: [http://www.access.gpo.gov/nara/cfr/waisidx\\_02/34cfr607\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/34cfr607_02.html).

The eligibility requirements for the Title V, HSI Program are found in 34 CFR 606.2 through 34 CFR 606.5. The regulations may be accessed at the following Web site: [http://www.access.gpo.gov/nara/cfr/waisidx\\_01/34cfr606\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/34cfr606_01.html).

**Enrollment of Needy Students:** Under 34 CFR 606.3(a) and 607.3(a), an institution is considered to have an enrollment of needy students if: (1) At least 50 percent of its degree students received financial assistance under one or more of the following programs: Federal Pell Grant, FSEOG, FWS, or the Federal Perkins Loan Programs; or (2) the percentage of its undergraduate degree students who were enrolled on at least a half-time basis and received Federal Pell Grants exceeded the median percentage of undergraduate degree students who were enrolled on at

least a half-time basis and received Federal Pell Grants at comparable institutions that offer similar instruction.

To qualify under this latter criterion, an institution's Federal Pell Grant percentage for base year 2007–2008 must be more than the median for its category of comparable institutions provided in the 2007–2008 Median Pell Grant and Average E&G Expenditures per FTE Student Table in this notice.

For the PBI Program, see section 318(b)(2) of the HEA for the definition of “Enrollment of Needy Students.” **Educational and General Expenditures Per FTE Student:** An institution should compare its 2007–2008 average E&G expenditures per FTE student to the average E&G expenditure per FTE student for its category of comparable institutions contained in the 2007–2008 Median Pell Grant and Average E&G Expenditures per FTE Student Table in this notice. The institution meets this eligibility requirement if its average E&G expenditures for the 2007–2008 base year are less than the average for its category of comparable institutions.

An institution's average E&G expenditures are the total amount it expended during the base year for instruction, research, public service, academic support, student services, institutional support including library expenditures, operation and maintenance, scholarships and fellowships, and mandatory transfers.

The following table identifies the relevant median Federal Pell Grant percentages for the base year 2007–2008 and the relevant average E&G expenditures per FTE student for the base year 2007–2008 for the four categories of comparable institutions:

Type of institution	2007–2008 Median Pell Grant percentage	2007–2008 Average E&G expenditures per FTE student
2-year Public Institutions .....	24.4	\$11,023
2-year Non-profit Private Institutions .....	35.7	23,870
4-year Public Institutions .....	24.7	26,849
4-year Non-profit Private Institutions .....	25.4	43,037

**Waiver Information:** IHEs that are unable to meet the needy student enrollment requirement or the average E&G expenditures requirement may apply to the Secretary for waivers of these requirements, as described in 34 CFR 606.3(b), 606.4(c) and (d), 607.3(b), and 607.4(c) and (d).

Institutions requesting a waiver of the needy student enrollment requirement or the average E&G expenditures

requirement must include in their application detailed information supporting the waiver request, as described in the instructions for completing the application.

The regulations governing the Secretary's authority to waive the needy student requirement, 34 CFR 606.3(b)(2) and (3) and 607.3(b)(2) and (3), refer to “low-income” students or families. The regulations at 34 CFR 606.3(c) and

607.3(c) define “low-income” as an amount that does not exceed 150 percent of the amount equal to the poverty level, as established by the U.S. Bureau of the Census.

For the purposes of this waiver provision, the following table sets forth the low-income levels for the various sizes of families:

## 2007 ANNUAL LOW-INCOME LEVELS

Size of family unit	Family income for the 48 contiguous states, D.C., and outlying jurisdictions	Family income for Alaska	Family income for Hawaii
1 .....	\$15,315	\$19,155	\$17,625
2 .....	20,535	25,680	23,625
3 .....	25,755	32,205	29,625
4 .....	30,975	38,730	35,625
5 .....	36,195	45,255	41,625
6 .....	41,415	51,780	47,625
7 .....	46,635	58,305	53,625
8 .....	51,855	64,830	59,625

**Note:** The 2007 annual low-income levels are being used because those are the amounts that apply to the family income reported by students enrolled for the fall 2007 semester. For family units with more than eight members, add the following amount for each additional family member: \$5,220 for the contiguous 48 States, the District of Columbia and outlying jurisdictions; \$6,525 for Alaska; and \$6,000 for Hawaii.

The figures shown under family income represent amounts equal to 150 percent of the family income levels established by the U.S. Bureau of the Census for determining poverty status. The poverty guidelines were published by the U.S. Department of Health and Human Services in the **Federal Register** on January 24, 2007 (72 FR 3147–3148).

The information about “metropolitan statistical areas” referenced in 34 CFR 606.3(b)(4) and 607.3(b)(4) may be obtained by requesting the Metropolitan Statistical Areas, 1999 Publication, Order Number PB99–501538, from the National Technical Information Service, Document Sales, 5301 Shawnee Road, Alexandria, VA 22312, telephone number: 1–800–553–6847. There is a charge for this publication.

**Applications Available:** December 7, 2009.

**Deadline for Transmittal Of Applications:** January 6, 2010 for an applicant institution that wishes to be designated as eligible to apply for a FY 2010 new grant under the Title III or Title V Programs and February 22, 2010 for an applicant institution that wishes to apply only for cost-sharing waivers under the FSEOG, FWS, SSS, or UISFL Programs.

#### **Electronic Submission of Applications:**

Applications for designation of eligibility must be submitted electronically using the following Web site: <https://opeweb.ed.gov/title3and5>.

To enter the Web site, you must use your institution's unique 8-digit identifier, i.e., your Office of Postsecondary Education Identification Number (OPE ID Number). Your

business office or student financial aid office should have the OPE ID Number. If not, contact the Department using the e-mail addresses of the contact persons listed in this notice under *For Applications and Further Information Contact*.

You will find detailed instructions for completing the application form electronically under the “eligibility 2010” link at either of the following Web sites: <http://www.ed.gov/programs/duetitle3a/index.html> or <http://www.ed.gov/hsi>.

If your institution is unable to meet the needy student enrollment requirement or the average E&G expenditure requirement and wishes to request a waiver of one or both of these requirements, you must complete your designation application form electronically and transmit your waiver request narrative document from the following Web site: <https://opeweb.ed.gov/title3and5>.

**Exception to Electronic Submission Requirement:** You may 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 electronically because—

- You do not have access to the Internet; or
- You do not have the capacity to upload documents to the Web site; 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 prevent 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: Darlene B. Collins, U.S. Department of Education, 1990 K Street, NW., Room 6020, Washington, DC 20006–8513. Fax: (202) 502–7861.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

#### **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 application, on or before the application deadline date, to the Department at the following address: *By mail through the U.S. Postal Service or commercial carrier:*

Darlene B. Collins, U.S. Department of Education, 1990 K Street, NW., Room 6020, Washington, DC 20006–8513.

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.

### *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 application, on or before the application deadline date, to the Department at the following address:

Darlene B. Collins, U.S. Department of Education, 1990 K Street, NW., Room 6020, Washington, DC 20006-8513.

Hand delivered applications will be accepted daily between 8:00 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Applicable Regulations:** (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 79, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for the Title III Programs in 34 CFR part 607, and for the HSI Program in 34 CFR part 606.

**Note:** There are no program-specific regulations for the AANAPISI, NASNTI, PBI, and the PPHOA Programs. Accordingly, we encourage each potential applicant to read the HEA, the authorizing statute for these programs.

**For Applications and Further Information Contact:** Kelley Harris or Carnisia Proctor, Institutional Development and Undergraduate Education Service, U.S. Department of Education, 1990 K Street, NW., Room 6033, Request for Eligibility Designation, Washington, DC 20006-8513.

You may contact these individuals at the following e-mail addresses or phone numbers: *Kelley.Harris@ed.gov*, 202-219-7083. *Carnisia.Proctor@ed.gov*, 202-502-7606.

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

Individuals with disabilities may obtain this document in an accessible format (e.g., braille, large print, audio tape, or computer diskette) on request to the contact persons listed in this section.

**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.

**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>.

**Program Authority:** 20 U.S.C. 1057-1059d, 1101-1103g, and amendments to Titles III and V of the HEA by Pub. L. 110-315, (20 U.S.C. 1059e (PBI), 20 U.S.C. 1069f (NASNTI), and 20 U.S.C. 1059g (AANAPISI).

**Delegation of Authority:** The Secretary of Education has delegated authority to Daniel T. Madzellan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: December 1, 2009.

**Daniel T. Madzellan,**

*Director, Forecasting and Policy Analysis.*

[FR Doc. E9-28996 Filed 12-4-09; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[ Docket Nos. CP10-23-000; CP10-24-000 ]

### UGI Storage Company, UGI Central Penn Gas, Inc.; Notice of Application

November 30, 2009.

Take notice that on November 19, 2009, UGI Storage Company (UGI Storage), 460 North Gulph Road, King of Prussia, Pennsylvania, 19406, filed in Docket Number CP10-23-000, pursuant to section 7(c) of the Natural Gas Act (NGA), an application for a certificate of public convenience and necessity to acquire, own, and operate in interstate commerce certain existing natural gas storage facilities located in Tioga, Potter, and Cameron counties, Pennsylvania. Additionally, UGI Storage requests a blanket certificate authorizing it to engage in certain self-implementing activities under part 157, subpart F, and a blanket certificate under part 284, subpart G, authorizing UGI Storage to provide open access, non-discriminatory firm and interruptible natural gas storage services. UGI Storage also requests authorization to charge market-based rates for its proposed storage services and approval of its *Pro Forma* Gas Tariff.

Concurrently, on November 19, 2009, UGI Central Penn Gas, Inc. (CPG), 2525 N. 12th Street, Suite 360, P.O. Box 12677, Reading, Pennsylvania 19612-2677, filed in Docket Number CP10-24-000, an application under section 7 of the NGA to obtain authorization to partially abandon the blanket certificate

issued to its predecessor North Penn Gas Company, pursuant to section 284.224 of the Commission's regulations. Specifically, CPG requests permission to abandon the portion of the blanket certificate applicable to storage service.

These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Any questions regarding these applications should be directed to Frank H. Markle, Senior Counsel, UGI Corporation, Box 858, Valley Forge, PA 19482; phone (610) 768-3625; fax (610) 992-3258; or via e-mail [marklef@ugicorp.com](mailto:marklef@ugicorp.com).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the