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DEPARTMENT OF EDUCATION

Migrant Education Formula Grant Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice of interpretation.

SUMMARY: Section 1303(a) and (b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), provides for the allocation of Migrant Education Program (MEP) funds to States, the District of Columbia, and the Commonwealth of Puerto Rico (Puerto Rico). The Department announces that the interpretations of these provisions for Fiscal Year (FY) 2003, published in the **Federal Register** on June 11, 2003 (68 FR 34911), shall continue to apply for FY 2004 and those subsequent fiscal years in which the amount of funds appropriated for the MEP does not exceed the amount appropriated in FY 2002.

DATES: Effective date: April 2, 2004.

FOR FURTHER INFORMATION CONTACT: James English, Office of Migrant Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E315, Washington, DC 20202-6135. Telephone: (202) 260-1394, or via Internet: james.english@ed.gov.

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

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION:

Background

The MEP, authorized in Title I, part C, of the ESEA, as amended by NCLB, is a State-operated and State-administered formula grant program. It provides assistance to State educational agencies (SEAs) to support high-quality and comprehensive educational programs that provide migratory children appropriate educational and supportive services that address their

special needs in a coordinated and efficient manner, and give migratory children the opportunity to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet. Funds are allocated to SEAs under a formula authorized under section 1303 of the ESEA, as amended by NCLB.

Through this notice, the Department announces that its interpretations of the formula for awarding FY 2003 MEP funds to States, including the District of Columbia and Puerto Rico, as published in the **Federal Register** on June 11, 2003 (68 FR 34911), shall apply to the Department's allocation of MEP funds in FY 2004 and those succeeding fiscal years in which the amount of funds appropriated for the MEP does not exceed the amount appropriated in FY 2002. The Department continues to apply these interpretations for the reasons identified in the June 11, 2003, notice.

Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, under 5 U.S.C. 553(b)(A) the Secretary is generally not required to offer the public an opportunity to comment on an interpretative rule. These rules advise the public of our interpretation of sections 1303(a) and (b) of the ESEA, as amended by NCLB. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required. For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(2).

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 is intended to provide early notification of our specific plans and actions for this program.

Electronic Access to This Document

You may 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>.

(Catalog of Federal Domestic Assistance Number 84.011: Title I, Education of Migrant Children.)

Dated: March 29, 2004.

Raymond Simon,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 04-7508 Filed 4-1-04; 8:45 am]

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DEPARTMENT OF ENERGY

[Docket No. EA-289]

Application To Export Electric Energy; Intercom Energy, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Intercom Energy, Inc. (Intercom) has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before May 3, 2004.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (fax (202) 287-5736).

FOR FURTHER INFORMATION CONTACT: Rosalind Carter (Program Office) (202) 586-7983 or Michael Skinker (Program Attorney) (202) 586-2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On February 27, 2004, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from Intercom to transmit electric energy from the United States to Mexico. Intercom is a California company with its principal place of

business in Chula Vista, California. Intercom does not own or control any electric generation facilities, nor does it have a franchised electric power service area. The electric energy which Intercom proposes to export to Mexico would be purchased from electric utilities and other suppliers within the U.S.

Intercom proposes to arrange for the delivery of electric energy to Mexico over the international transmission facilities owned by San Diego Gas & Electric Company, El Paso Electric Company, Central Power and Light Company, and Comision Federal de Electricidad, the national electric utility of Mexico. The construction of each of the international transmission facilities to be utilized by the applicants, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the Intercom application to export electric energy to Mexico should be clearly marked with Docket EA-289. Additional copies are to be filed directly with Ernesto Pallares, Chief Executive Officer, Intercom Energy, Inc., 303 H Street, Suite 401, Chula Vista, CA 91910 and Jon L. Brunenkant, James W. Moeller, Brunenkant & Haskell, LLP, 805 15th Street, NW., Suite 1101, Washington, DC, 20005 and Daniel J. Morgin, The Morgin Law Firm, P.C., 110 Juniper Street, San Diego, CA 92101.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA), and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select

"Regulatory Programs," then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on March 25, 2004.

Ellen Russell,

Acting Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 04-7486 Filed 4-1-04; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Science; Biological and Environmental Research Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Biological and Environmental Research Advisory Committee. Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, April 29, 2004, 8:30 a.m. to 5 p.m.; and Friday, April 30, 2004, 8:30 a.m. to 12 p.m.

ADDRESSES: Academy for Education Development (AED) Conference Center, 1825 Connecticut Avenue, NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Dr. David Thomassen ((301) 903-9817; david.thomassen@science.doe.gov), or Ms. Shirley Derflinger ((301) 903-0044; shirley.derflinger@science.doe.gov), Designated Federal Officers, Biological and Environmental Research Advisory Committee, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC-70/ Germantown Building, 1000 Independence Avenue, SW., Washington, DC 20585-1290. The most current information concerning this meeting can be found on the Web site: <http://www.science.doe.gov/ober/berac/announce.html>

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the Biological and Environmental Research Program.

Tentative Agenda:

Thursday, April 29, and Friday, April 30, 2004:

- Conflict of Interest and Federal Advisory Committee Act requirements and overview

- Comments from Dr. Raymond Orbach, Director, Office of Science

- Report by Dr. Ari Patrinos, Associate Director of Science for Biological and Environmental Research

- Discussion of BERAC reports on (1) need for additional sites for environmental remediation sciences research (2) review of the scientific basis for a proposed subsurface geosciences laboratory at the Idaho National Engineering and Environmental Laboratory, (3) guidance to BER on how the Atmospheric Science Program should be reconfigured, (4) a Committee of Visitors review of the Climate Change Research Division's program management, and (5) radiochemistry program needs and opportunities.

- BERAC recommendations for BER to develop a roadmap for achieving and tracking its long term performance measures

- Status report on the development of a Genomics:GTL roadmap

- Coordination of common DOE and NIH research interests

- Discussion to define operating hours at BER facilities

- Science talk

- New Business

- Public comment (10 minute rule)

Public Participation: The day and a half meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact David Thomassen or Shirley Derflinger at the address or telephone numbers listed above. You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, IE-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.