responsible for providing a safe, efficient, affordable, environmentally compatible and coordinated statewide transportation system for the movement of people and goods. NDOR has identified two segments of Nebraska Highway 12 that have experienced flooding and damage due to high water levels associated with the Missouri River. Segment 1 is approximately 6.4 miles long and extends from just east of Verdel on the west end to 2 miles west of the bridge over the Niobrara River. Segment 2 is approximately 6 miles long and extends from just east of Spruce Avenue in Niobrara to approximately 1 mile east of S–54D. Problems associated with this portion of Nebraska Highway 12 include high maintenance, driver safety, and disruption in use. The following summarizes the issues that create these problems:

Roadway Stability: Due to high water levels and overtopping of Nebraska Highway 12 in the project area, the stability of the roadway is threatened. Gavin's Point Dam on the Missouri River was built in the 1950's near Yankton, South Dakota, creating Lewis and Clark Lake (lake). The lake has caused the water table adjacent to the Missouri River to rise. Nebraska Highway 12, which runs parallel to the Missouri River, is affected where it crosses into the Missouri River floodplain east and west of Niobrara, Nebraska. About eight miles of Nebraska Highway 12 runs through the floodplain. About half of this length is located to the east and half to the west of Niobrara, in Knox County, Nebraska. The distance between Nebraska Highway 12 and the Missouri River bank differs, but some areas are as close as two to three thousand feet. Due to the location of Nebraska Highway 12, the following road related issues are present:

(1) *Roadway inundation:* When high water events occur on the Missouri River, portions of Nebraska Highway 12 are under water. This jeopardizes the integrity of the roadway due to saturation of the roadway bed. This can create roadway sloughing and potential for failure. Bazile Creek enters the river east of Niobrara, NE where it intersects Nebraska Highway 12. During high water events on Bazile Creek, Nebraska Highway 12 becomes flooded. The flooding has occurred numerous times in the past.

(2) *Roadway saturation:* High water levels adjacent to Nebraska Highway 12 are the result of the lake. The lake is a man-made reservoir located behind Gavin's Point dam. The lake has contributed to the rising water table throughout the floodplain where Nebraska Highway 12 is located. In addition, system releases from upstream reservoirs as part of the Missouri River mainstem system, can provide constant water levels. Additionally, large releases of water can sometimes last for many months causing roadway saturation. The increased silt load coming into the lake from the Missouri River tributaries, primarily the Niobrara River and Bazile Creek also contributes to roadway saturation. The confluence of the Niobrara River and the Missouri River is just west of the town of Niobrara. The water from these tributaries slows as they enter the Missouri River and sediment is deposited creating a fill area that restricts the channel and raises the bed of the river. This causes the area of the lake to increase in dimension as well as raising the water table. High water levels create conditions of long-term saturation of the roadway embankment, thus creating the potential for roadway embankment erosion.

Driver Safety: Portion of Nebraska Highway 12 are exposed to regular flooding. Roadway flooding is a concern for driver safety because even if the road is marked closed, motorists may choose to drive through flooded roadways. Nebraska Highway 12 in this location does not have lighting and the inherent dangers of driving through flooded roadways exist. In 1995, the Corps implemented an interim fix by raising the gradeline of Nebraska Highway 12 by several feet on two short highway segments to alleviate the immediate flooding problems. The resultant roadway is narrow with shoulders that are not adequate in width, and steep foreslopes. Cable guardrail was installed to help protect vehicles from running off the road and into the water. Due to the narrow roadway, the cable guardrail is close to the edge of the driving lane.

A public scoping meeting will be held (see **DATES**) to describe why the project is needed, preliminary alternatives, the NEPA compliance process and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments will also be requested. The Corps has invited the U.S. Environmental Protection Agency, National Park Service, U.S. Fish and Wildlife Service, and Knox County to be cooperating agencies in the formulation of the EIS.

John L. Moeschen,

Nebraska State Program Manager, Regulatory Branch.

[FR Doc. E8–17077 Filed 7–24–08; 8:45 am]

BILLING CODE 3710–62–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Draft Supplemental Environmental Impact Statement (DSEIS) for the Nourishment of 25,000 Feet of Beach in Topsail Beach, Pender County, NC

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Wilmington District, Wilmington Regulatory Field Office has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, from the Town of Topsail Beach to conduct a one-time interim beach fill project to protect oceanfront development and infrastructure until such time that a federally authorized shore protection project can be implemented. While federal budget priorities have made it difficult to obtain funds for civil works projects in general and beach protection projects in particular, the projected earliest construction date for the federal project is 2012. A Draft General Reevaluation Report—Environmental Impact Statement (GRR–EIS) has been prepared by the USACE and was released for public review and comment in June 2006 (USACE, 2006). Given the current status of the GRR–EIS and the need for Congressional authorization, funding, preparation of plans and specifications, and right-of-way acquisition, the federal project may not be implemented until Fiscal Year 2012, or possibly later. Accordingly, the Town would like to construct an interim project to protect its development and infrastructure during the period between now and the time the federal project is constructed. In order to account for any possible delays in the construction of the federal project, a construction date of 2016 was used in the development of the alternatives and economic analysis for the interim project. This would maintain the baseline conditions described in the Draft GRR and EIS.

ADDRESSES: Copies of comments and questions regarding the DSEIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. ATTN: File Number SAW–2006–40848–071, Post Office Box 1890, Wilmington, NC 28402–1890.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DSEIS can be directed to Mr. Dave Timpy, Wilmington Regulatory Field Office, telephone: (910) 251–4634.

SUPPLEMENTARY INFORMATION:

1. *Project Description.* The fill placement area will occur between Godwin Avenue on the south to a point 2,000 feet northeast of Topsail Beach/Surf City town limits, a total ocean shoreline length of approximately 25,000 feet. The fill would consist of three sections, a 1,000-foot transition on the south beginning at a point opposite Godwin Avenue, a 22,000-foot main fill section that would extend to the Topsail Beach/Surf City town limits, and a 2,000-foot northern transition (Figure 1). The beach fill would have a variable width berm constructed to an elevation of +6.0 feet NAVD. The volume of material for the emergency project is based on providing erosion protection until such time a federal storm damage reduction project is implemented.

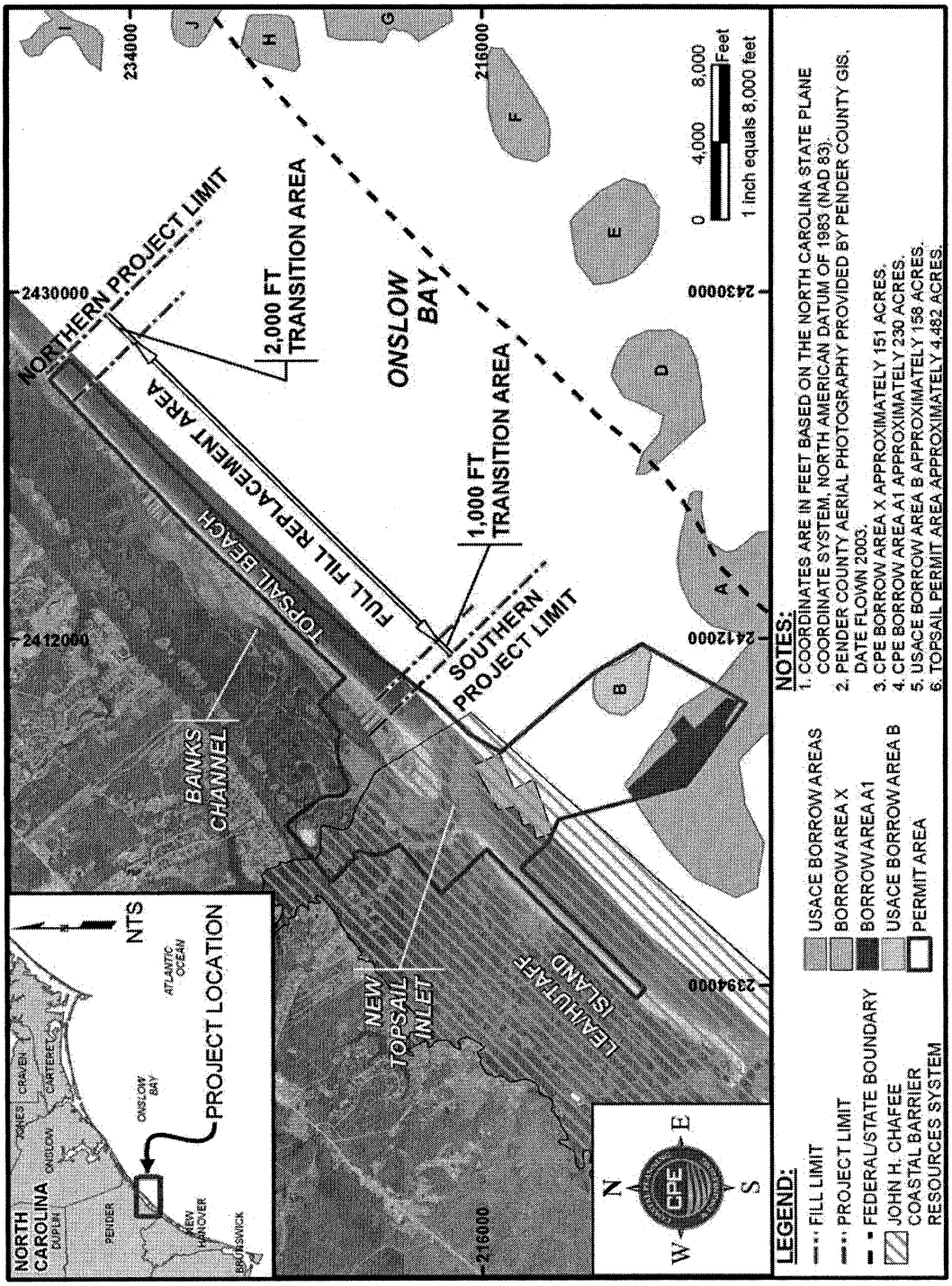

Figure 1 – Topsail Beach Interim (Emergency) Beach Fill Project – Permit Request Location Map

The volume of beach fill material could range from a minimal amount needed to counter long-term erosion losses during the interim period (approximately 5 years) to a maximum amount that would include a contingency volume to account for possible storm related erosion losses during the time period. The material to construct the emergency project would be derived from an offshore borrow site or a combination of borrow sites. The potential borrow sites include a portion of Borrow Area A (Borrow Area A1) identified by the USACE in the Draft GRR/EIS with the area considered for the emergency project shown in Figure 1. Borrow Area A1 contains a total volume of approximately 2.0 million cy. The second potential borrow area, designated as Borrow Area X in Figure 1, was developed specifically for the interim project and lies offshore of New Topsail Inlet outside the areas investigated by the USACE. Borrow Area X also contains approximately 2.0 million cy. Borrow Area B (Figure 1) is considered as a possible source for the interim project, however the volume of material available in Borrow Area B is an estimated total volume of 820,000 gross cy with an overfill factor of 1.23 resulting in a potential net volume of suitable beach fill material of 660,000 cy. The superposition of the 500 m buffer around the probable hardbottom areas located close to Borrow Area B eliminated approximately 54% of the area. The remaining area of Borrow Area B lying outside the 500 m buffer contains approximately 230,000 cy of relatively fine grained material (0.19 mm mean grain size) in a shallow deposit (2 to 3 ft). The shallow nature of the deposit in Borrow Area B would not render it economical to dredge with a cutterhead pipeline dredge. Ultimately, the small volume of material that could reasonably be obtained from Borrow Area B compared to the increase in potential environmental resources associated with the placement of pipeline around probable hardbottom or use of a hopper dredge resulted in its elimination as a viable borrow source for the Topsail Beach Interim Beach Fill Project. In addition to the borrow areas discussed above, the USACE identifies an additional five (5) offshore borrow areas in Section 7.04 of the Draft GRR/EIS (USACE, 2006). These offshore borrow areas, Borrow Areas A, C, D, E, and F, lie seaward of the 3-mile state territorial limit and would require permits from the U.S. Minerals Management Service (MMS). Usage of the USACE offshore borrow areas located beyond the 4.8 km (3 mi) state territorial limit would not meet the purpose and need of the project. In particular, the acquisition and utilization of beach compatible material for shore protection project no later than March 31, 2009.

A possible fourth source of borrow material, Banks Channel located behind Topsail Beach, was considered a potential alternative however it has not been evaluated in detail due to the small volume of material that could be removed from within the limits of the authorized navigation channel. A recent maintenance operation in Banks Channel and Old Topsail Creek, completed in fall 2007, removed approximately 160,000 cy of shoal material and deposited the material along 4,000 feet of shoreline extending north of the Sea Vista Hotel/Condominium. This operation further reduced the quantity of material that could be used for the interim project that would be available from the existing navigation channels. Upland borrow sources are not an economical option for the emergency project. Cost estimates for truck haul material from upland borrow areas located near the Town of Wallace, NC determined the unit cost for the material was non-competitive. Accordingly, upland borrow sources were not evaluated in detail for the proposed emergency project.

Beach fill alternatives evaluated in detail for the interim project are listed below and include constructing the project using Borrow Area A1, Borrow Area X, or a combination of Borrow Areas X and A1. For the combined use of Borrow Areas X and A1, only the two seaward most dredge cuts of Borrow Area X would be used. This particular portion of Borrow Area X contains an estimated 784,000 cy of material. The Applicant's Preferred Alternative includes the use of Borrow Area X which contains an estimated 2.0 million cy of material. Two dredging methods were also evaluated; ocean certified cutter-suction pipeline dredge (pipeline dredge) and hopper dredge using direct pumpout (hopper dredge).

The naming convention for the various beach fill alternatives is as follows:

Alternative 3a: Borrow Area A1 with pipeline dredge.

Alternative 3b: Borrow Area X with pipeline dredge.

Alternative 3c: Borrow Areas X and A1 with pipeline dredge.

Alternative 3d: Borrow Area A1 with hopper dredge.

Alternative 3e: Borrow Area X with hopper dredge.

Alternative 3f: Borrow Areas X and A1 with hopper dredge.

Based on the goals, needs and objectives of the emergency project, Alternative 3b is the Applicant's Preferred Alternative. The proposed construction timeframe for the interim beach fill activities will occur in early calendar year 2009.

Beach Fill Surveys & Design. Typical cross-sections of the beach along the Topsail Beach project area will be surveyed. Nearshore profiles will extend seaward to at least the −30-foot NAVD depth contour. The total volume of beach fill to be placed in front of the existing development and infrastructure will be based on an evaluation of erosion of the project area from 2002 through the expected construction date of the Federal project. Additional offshore and inshore data for Lea/Hutaff Island were also obtained along the northern 5,000 feet of the island. This data was used in the evaluation of possible impacts associated with the removal of sediment from the selected offshore borrow area and for future impact evaluations following project implementation through the use of numerical modeling.

Geotechnical Investigations. The offshore sand search investigations have included bathymetric surveys, sidescan sonar surveys, seismic surveys, cultural resource surveys, vibracore collection and analysis, and ground-truth diver surveys to verify existence or non-existence of hard bottoms. The results of the offshore investigations coupled with the compatibility of the sand resource area and native beach sand were assessed to define the borrow area. All sediment compatibility assessments were based on State of North Carolina sediment compatibility standards that went into effect in February 2007.

Environmental Resource Coordination & Permitting. The USACE prepared a General Reevaluation Report—Environmental Impact Statement (GRR–EIS) for the larger federal shore protection project (June 2006). The next step for the West Onslow Project is for the USACE to release the Final GRR and EIS for public and agency review and comment in summer 2008. The interim beach fill project will be subject to Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act and the North Carolina Environmental Policy Act (NCEPA).

Preliminary coordination with the USACE-Wilmington District resulted in a determination that a Department of the Army Application for an Individual Permit will be needed for project compliance with Sections 10 and 404.

Similarly, coordination with the North Carolina Division of Coastal Management (NCDCM) determined that the project would require a State EIS developed in accordance with NCEPA; as well as a Major Permit under the Coastal Area Management Act.

2. *Proposed Action.* The scope of activities for the proposed interim beach fill project included: (a) Vibracores in the identified borrow area, (b) side scan sonar surveys of the ocean bottom, (c) in-water investigations of potential near shore hardbottom resources identified by the side scan sonar survey, and (d) beach profile surveys. Offshore investigations included bathymetric surveys, sidescan sonar surveys, seismic and cultural resource surveys, as well as vibracore collection and analysis. The results of the offshore investigations coupled with the compatibility of the sand resource area and native beach sand were assessed to define the borrow area.

3. *Issues.* There are several potential environmental issues that are addressed in the DSEIS. Additional issues may be identified during the public review process. Issues initially identified as potentially significant include:

a. Potential impact to marine biological resources (benthic organisms, passageway for fish and other marine life) and Essential Fish Habitat, particularly hardbottoms.

b. Potential impact to threatened and endangered marine mammals, birds, fish, and plants.

c. Potential impacts to water quality.

d. Potential increase in erosion rates to adjacent beaches.

e. Potential impacts to navigation, commercial and recreational.

f. Potential impacts to private and public property.

g. Potential impacts on public health and safety.

h. Potential impacts to recreational and commercial fishing.

i. The compatibility of the material for nourishment.

j. Potential economic impacts.

4. *Alternatives.* Several alternatives are being considered for the proposed project. These alternatives were further formulated and developed during the scoping process and an appropriate range of alternatives, including the No Action and Non Structural alternative, are considered in the Draft Supplemental EIS.

5. *Scoping Process.* Project Delivery Team meetings were held to receive comments and assess concerns regarding the appropriate scope and preparation of the DSEIS. Federal, state, and local agencies and other interested organizations and persons participated in these Project Delivery Team meetings.

The COE is also consulting with the U.S. Fish and Wildlife Service under the Endangered Species Act and the Fish and Wildlife Coordination Act, and with the National Marine Fisheries Service under the Magnuson-Stevens Act and Endangered Species Act. Additionally, the Draft Supplemental EIS has assessed the potential water quality impacts pursuant to Section 401 of the Clean Water Act, and is being coordinated with NCDCM to determine the projects consistency with the Coastal Zone Management Act. The USACE will closely work with NCDCM through the DSEIS to ensure the process complies with all North Carolina Environmental Policy Act (NCEPA) requirements. It is the USACE and NCDCM's intentions to consolidate both NEPA and NCEPA processes to eliminate duplications.

6. *Availability of the Draft Supplemental EIS.* The DSEIS has been published and circulated, and a public hearing will be held August 26, 2008 at the Historical Society Assembly Building, 720 Channel Blvd., Topsail Beach, NC at 6 p.m.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8–17079 Filed 7–24–08; 8:45 am]

BILLING CODE 3710–GN–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 25, 2008.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: July 21, 2008.

Sheila Carey,

Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of English Language Acquisitions

Type of Review: New.

Title: Foreign Language Assistance Program for Local Educational Agencies: Annual Performance Report.

Frequency: Semi-Annually.

Affected Public: Individuals or household; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden

Responses: 127.

Burden Hours: 6,350.

Abstract: The purpose is to implement a data collection process for a new semi-annual reporting for Government Performance and Results Act (GPRA) purposes for the Foreign Language Assistance Program (FLAP) for Local Educational Agencies (LEAs). These data are necessary to assess the performance of the FLAP for LEAs in meeting its stated goals and objectives and report to ED's Budget Service.

Requests for copies of the information collection submission for OMB review