

Seattle, FHWA, and WSDOT to incorporate all relevant material from their NEPA efforts, share information, and reduce duplication of efforts.

2. *Alternatives:* A number of seawall replacement alternatives are being considered including the no action alternative. Several structural, non-structural and construction technique options will be considered including soil improvement, secant piles, and buttress fill, among others; more than one option may be included in the preferred alternative. Additionally; in conjunction with any of the structural options, the seawall alignment will be considered; examining where the seawall face can be reconstructed in the existing alignment or if it can be pulled back landward. Similarly, habitat restoration and recreational access options will be considered with any of the structural options. Public input is specifically invited regarding the reasonableness of the build alternatives and whether any additional alternatives are appropriate for consideration.

3. *Scoping and Public Involvement:* An initial notice of intent for this project was issued on March 31, 2006 (71 FR 16293). Since that time, the scope of the project has changed to include the evaluation of seismic damages and to consider additional alternatives. This present notice of intent formally re-commences the scoping process under NEPA. As part of the scoping process, all affected Federal, State and local agencies, Native American Tribes, private organizations, and the public are invited to comment on the scope of the EIS. To date, the following issues of concern have been identified for in-depth analysis in the draft EIS: (1) Construction impacts, particularly those related to noise, transportation, and effects to businesses and residences within/adjacent to the construction zone; (2) impacts associated with potential variations of the existing seawall alignment; (3) potential impacts to historical properties; and (4) potential benefits to the Elliott Bay aquatic ecosystem.

4. *Scoping Meeting:* One public scoping meeting will be held to identify issues of major concern, identify studies that might be needed in order to analyze and evaluate impacts, and obtain public input on the range and acceptability of alternatives. This meeting will be held at the Bell Harbor International Conference Center, Pier 66 on Wednesday, June 16, 2010. An informal open house will be held between 4 and 5:30 p.m. A presentation to summarize the purpose of scoping and existing information will be made between 5:30 and 6 p.m. Then, testimony will be

taken between 6 and 7 p.m. Verbal (maximum 3 minutes) or written comments will be accepted at the scoping meeting or written comments may be sent by regular or electronic mail to EIS Scoping Comments c/o Patrick Cagney (see ADDRESSES). Ongoing communication with agencies, Native American tribes, public interest groups, and interested citizens will take place throughout the EIS development through the use of public meetings, mailings, and the Internet. Additional meetings will be scheduled upon completion of the DEIS.

5. *Other Environmental Review Coordination and Permit Requirements:* The environmental review process will be comprehensive and will satisfy the requirements of both NEPA and the Washington State Environmental Policy Act (SEPA) per preparation of a joint NEPA/SEPA document with the City of Seattle. All other relevant Federal, State and local environmental laws will be complied with during the feasibility and/or design phases of the project.

Dated: May 20, 2010.

**Anthony Wright,**  
Colonel, Corps of Engineers, District  
Commander.

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**BILLING CODE 3720-58-P**

## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services; List of Correspondence

**AGENCY:** Department of Education.

**ACTION:** List of Correspondence from October 1, 2009 through December 31, 2009.

**SUMMARY:** The Secretary is publishing the following list pursuant to section 607(f) of the Individuals with Disabilities Education Act (IDEA). Under section 607(f) of the IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the U.S. Department of Education (Department) received by individuals during the previous quarter that describes the interpretations of the Department of the IDEA or the regulations that implement the IDEA.

**FOR FURTHER INFORMATION CONTACT:** Laurel Nishi or Mary Louise Dirrigl. Telephone: (202) 245-7468.

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

Individuals with disabilities can obtain a copy of this notice in an

accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** The following list identifies correspondence from the Department issued from October 1, 2009 through December 31, 2009. Included on the list are those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date of and topic addressed by each letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

### Part B—Assistance for Education of All Children With Disabilities

#### Section 611—Authorization; Allotment; Use of Funds; Authorization of Appropriations

Topic Addressed: State Administration

○ Letters dated November 13, 2009 to Senator Lamar Alexander, Senator Richard M. Burr, Senator Tom Coburn, Senator Michael B. Enzi, Senator Judd Gregg, Senator Orrin G. Hatch, and Senator Johnny Isakson, regarding the Secretary's authority to adjust the statutory caps on State administration for Federal fiscal year 2009 under section 611 of the IDEA and Title I of the Elementary and Secondary Education Act of 1965, as amended, to help defray the costs of implementing the data collection requirements associated with the American Recovery and Reinvestment Act of 2009 (ARRA).

Topic Addressed: Use of Funds

○ Letter dated October 27, 2009 to National Association of Private Special Education Centers Executive Director and CEO Sherry L. Kolbe, clarifying when Part B, IDEA funds may be used for professional development activities for private school personnel and contractors serving children with disabilities placed in private schools by public agencies.

#### Section 612—State Eligibility

Topic Addressed: Maintenance of State Financial Support

○ Office of Special Education Programs Memorandum 10-5, dated December 2, 2009 to Chief State School

Officers and State Directors of Special Education, regarding the State funds that must be included in the calculation of State financial support for special education and related services.

Topic Addressed: Children in Private Schools

○ Letter dated December 8, 2009 to New York Attorney Lawrence D. Weinberg, regarding whether parents can obtain reimbursement under Part B of the IDEA for the cost of a private placement for a child not previously found eligible for special education and related services.

*Section 613—Local Educational Agency Eligibility*

Topic Addressed: Maintenance of Effort

○ Letter dated October 29, 2009 to Learning Disabilities Association of Connecticut Board of Directors Secretary Diane Willcuts, regarding the use of ARRA Part B, IDEA funds by local educational agencies (LEAs) and LEA maintenance of effort requirements.

○ Letter dated November 13, 2009 to Iowa Department of Education Chief Lana Michelson and Legal Consultant Thomas A. Mayes, reaffirming the Department's position that a State educational agency (SEA) must prohibit an LEA from taking advantage of the LEA maintenance of effort reduction if the SEA identifies the LEA as having significant disproportionality.

*Section 616—Monitoring, Technical Assistance, and Enforcement*

Topic Addressed: State Determinations on the Performance of Each Local Educational Agency

○ Letter dated October 21, 2009 to Chief State School Officers and State Directors of Special Education urging States to maintain high standards and not compromise the determination process under section 616(d)(2) of the IDEA.

○ Letter dated October 30, 2009 to Montana Office of Public Instruction Director of Special Education Tim Harris, clarifying that an SEA must prohibit an LEA that receives a determination of "needs assistance," "needs intervention," or "needs substantial intervention" pursuant to section 616(d)(2) of the IDEA from taking advantage of the 50 percent LEA maintenance of effort reduction.

### Part C—Infants and Toddlers With Disabilities

*Section 635—Requirements for Statewide System*

Topic Addressed: Complaint Resolution

○ Letter dated October 27, 2009 to Nevada Aging and Disability Services Division Part C Coordinator Wendy Whipple, regarding the obligation of the State lead agency to provide compensatory services under Part C of the IDEA for children who were denied early intervention services, even after they moved out of the State.

*Section 639—Procedural Safeguards*

Topic Addressed: Evaluations, Parental Consent, and Reevaluations

○ Letter dated November 13, 2009 to California Early Start Part C Coordinator Rick Ingraham, regarding when parental consent must be obtained for changes in the individualized family service plan.

*Other Letters That Do Not Interpret the Idea But May Be of Interest To Readers*

Topic Addressed: Seclusion and Restraint

○ Letter dated December 8, 2009 to Senator Christopher J. Dodd, Representative George Miller, and Congresswoman Cathy McMorris Rodgers, outlining principles for Congress to consider in developing legislation to limit the use of physical restraint and seclusion in schools and other educational settings that receive Federal funds.

### Electronic Access To This Document

You can view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister/index.html>.

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 84.027, Assistance to States for Education of Children with Disabilities)

Dated: May 24, 2010.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

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## 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 June 28, 2010.

**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, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395-5806 or e-mailed to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) with a cc: to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov).

**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)