

of worsted wool fabric production described in HTS 9902.51.11 or 9902.51.12, as appropriate, woven in the United States in each of calendar years 1999, 2000 and 2001; and (5) the value of worsted wool fabric production described in HTS 9902.51.11 or 9902.51.12, as appropriate, woven in the United States in each of calendar years 1999, 2000 and 2001. This data must indicate actual production (not estimates) of worsted wool fabric of the kind described in HTS 9902.51.11 or 9902.51.12.

At the conclusion of the application, the applicant must attest that "all information contained in the application is complete and correct and no false claims, statements, or representations have been made." Applicants should be aware that, generally, pursuant to 31 U.S.C. 3729, persons providing a false or fraudulent claim, and, pursuant to 18 U.S.C. 1001, persons making materially false statements or representations, are subject to civil or criminal penalties, respectively.

Information that is marked "business confidential" will be protected from disclosure to the full extent permitted by law.

**Other Application Requirements:** Complete applications must include the following forms and documents: CD-346, Applicant for Funding Assistance; CD-511, Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying; SF-424, Application for Federal Assistance; and SF-424B, Assurances - Non-Construction Programs. The CD forms are available via web site: <http://www.osec.doc.gov/forms/direct.htm>. The SF forms are available via web site: [http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html).

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 269, 424, 424A, 424B, SF-LLL, and CD-346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348-0039, 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

**Allocation Procedures:** Section 4002(c)(6)(A) of the Act requires that each grant be allocated among eligible applicants on the basis of the percentage

of each manufacturers' production of the fabric described in HTS 9902.51.11 or HTS 9902.51.12 for calendar years 1999, 2000, and 2001, compared to the production of such fabric by all manufacturers who qualify for such grants. Following the closing date of the receipt of applications, the Department shall calculate the appropriate allocation of the allotted funds among eligible applicants in accordance with the statutory procedures. Award decisions shall be final and not subject to appeal or protest.

**Intergovernmental Review:** Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs".

**Administrative and National Policy Requirements:** Department of Commerce Pre-Award Notifications for Grants and Cooperative Agreements, which are contained in the **Federal Register** Notice of December 30, 2004 (69 FR 78389), are applicable to this solicitation.

It has been determined that this notice is not significant for purposes of E.O. 12866.

**Administrative Procedure/Regulatory Flexibility:** Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act for rules concerning public property, loans, grants, benefits, and contracts (5 USC 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 USC 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 USC 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Dated: September 2, 2005.

**James C. Leonard III,**  
*Deputy Assistant Secretary for Textiles and Apparel.*

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**BILLING CODE 3510-DS**

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

#### **Intent to Prepare a Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for a Permit Application for Navigation Modifications and Improvements as Part of the San Pedro Waterfront and Promenade Development, in the Port of Los Angeles, Los Angeles County, CA**

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of intent (NOI).

**SUMMARY:** The U.S. Army Corps of Engineers (Corps) Los Angeles District in conjunction with the Los Angeles Harbor Department (Port) is examining the feasibility of various waterside navigation improvements as part of the Port's proposed San Pedro Waterfront and Promenade redevelopment proposal in the Port of Los Angeles. The Corps is considering the Port's application for a Department of the Army permit under Clean Water Act Section 404 and River and Harbor Act Section 10 to conduct dredge and fill activities and construct various navigation improvements.

The primary Federal involvement is the discharge of dredge and/or fill materials within waters of the United States, work (e.g. dredging) and structures in or affecting navigable waters of the United States, and potential impacts on the human environment from such activities. Therefore, in accordance with the National Environmental Policy Act (NEPA), the Corps is requiring the preparation of an Environmental Impact Statement (EIS) prior to rendering a final decision on the Port's permit application. The Corps may ultimately make a determination to permit or deny the above project or permit or deny modified versions of the above project.

Pursuant to the California Environmental Quality Act (CEQA), the Port will serve as Lead Agency for the Preparation of an Environmental Impact Report (EIR). The Corps and the Port have agreed to jointly prepare a Draft EIS/EIR for the improvements at Berth 136-147 in order to optimize efficiency and avoid duplication. The Draft EIS/EIR is intended to be sufficient in scope to address both the Federal and the state and local requirements and environmental issues concerning the proposed activities and permit approvals.

#### **FOR FURTHER INFORMATION CONTACT:**

Questions about the proposed action and Draft EIS/EIR can be answered by Mr. Joshua Burnam, Corps Project Manager, at (213) 452-3294. Comments shall be addressed to: U.S. Army Corps of Engineers, Los Angeles District, Regulatory Branch. ATTN: File Number 2003-0-1142-JLB P.O. Box 532711, Los Angeles, CA 90053-2325, and Dr. Ralph Appy, Director of Environmental Management, Port of Los Angeles, 425 S. Palos Verdes St., San Pedro, CA 90731.

#### **SUPPLEMENTARY INFORMATION:**

1. *Background.* The EIS/EIR will assess a master development plan for specific development projects and

associated infrastructure improvements for approximately 418 acres, from the Vincent Thomas Bridge to the federal breakwater within the property of the City of Los Angeles, Harbor Department. The proposed project would be developed over multiple phases throughout the next approximately 30 years. The EIS/EIR will analyze the master development plan at a programmatic (general overview) level to focus on the cumulative impacts associated with the entire proposed plan. Where information is available, project elements proposed during Phase 1 (Years 1—5) and Phase 2 (Years 6—10) will be studied at a project-specific level of detail. Project elements proposed for construction in Phase 3 (Years 11+) of the master development plan and other project elements for which data are not available will require an additional CEQA and NEPA evaluation, where appropriate, before construction could occur.

2. *Clean Water Act Project Purpose.* The overall project purpose relevant to the Clean Water Act Section 404 is to:

(a) Perform modifications to the existing shoreline, including water cutouts to increase water area (up to 9.64 acres maximum) and fills, as needed, to reconfigure the site to provide for a variety of waterfront uses, including berthing for visiting tall ships and other vessels, additional marinas for pleasure craft, water taxi and ferry service, tugboats, and other recreational, commercial, and port-related uses, without impeding the public's right to free navigation;

(b) preserve or enhance natural systems that are already within the Port complex (*i.e.*, beaches, salt marsh, wetlands, shallow and deep water habitat, and bluffs);

(c) utilize and enhance the value of existing deep water in the Outer Harbor and Main Channel by upgrading two existing cruise vessel berths and constructing up to two new cruise vessel berths, each approximately 1,250 linear feet, to accommodate projected future growth in the cruise ship industry (one of the new cruise vessel berths would operate 120 days per year);

(d) create a permanent berth for Catalina Express and Island Express; and

(e) provide for a variety of waterfront uses, including berthing for visiting tall ships and other vessels, additional marinas for pleasure crafts, water taxi and ferry service, tugboats, and other recreational, commercial, and port-related uses.

3. *Issues.* There are several potential environmental issues that will be addressed in the EIS/EIR. Additional

issues may be identified during the scoping process. Issues initially identified as potentially significant include:

(a) Geological issues, including dredging and stabilization of fill areas in an area of known seismic activity;

(b) Impacts to hydrology;

(c) Impacts to air quality;

(d) Impacts to traffic, including marine navigation and ground transportation;

(e) Potential for noise impacts;

(f) Impacts to public utilities and services;

(g) Potential impacts to aesthetic resources, including light and glare;

(h) Potential impacts on public health and safety;

(i) Cumulative impacts; and

(j) Disposal of dredged materials.

4. *Alternatives.* Alternatives initially being considered for the proposed improvement project include the following:

(a) *No Project/No Action.* This alternative would not implement any of the elements presented in the project description.

(b) *No Federal Action Baseline.* This alternative is the proposed project without any activity requiring a Corps permit. This alternative represents Corps' environmental baseline.

(c) *No Federal Action Baseline with Cruise Ship Expansion.* This alternative represents an additional Corps environmental baseline wherein LAHD would only receive Corps permits for the Cruise Ship Expansion/Modification features of the proposed project. This evaluation would allow Corps and LAHD to separately weigh the impact of the cruise ship facilities.

(d) *Reduced Density Alternative.* This alternative would reduce the density or amount of development as presented in the project description. Results from LAHD-sponsored June 4, 2005 Reduced Development Alternative workshop, held in conjunction with the Port Community Advisory Committee and the San Pedro Neighborhood Councils, along with comments received by the public, would define the project elements included in this alternative.

(e) *Maximum Density Alternative.* This alternative would increase the density, amount of development, or timing of development as presented in the project description. Comments received by the public and LAHD's Engineering and Project Design Team would influence the project elements included in this alternative.

5. *Scoping Process.* The U.S. Army Corps of Engineers and the Los Angeles Harbor Department (LAHD) will jointly conduct a public scoping meeting for

the proposed From Bridge to Breakwater Master Development Plan for the San Pedro Waterfront and Promenade Project—Draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) to receive public comment and assess public concerns regarding the appropriate scope and preparation of the Draft EIS/EIR. Participation in the public meeting by Federal, state, and local agencies and other interested organizations and persons are encouraged. This meeting will be conducted in both English and Spanish. Members of the public who wish to communicate and listen entirely in Spanish are encouraged to attend this meeting. The meeting will be held on October 11, 2005 from 6 p.m.—8:30 p.m. at the Los Angeles Harbor Hotel, located at 601 South Palos Verdes Street. Parties interested in being added to the Corps' electronic mail notification list for the Port of Los Angeles can register at: <http://www.spl.usace.army.mil/regulatory/register.html>. This list will be used in the future to notify the public about scheduled hearings and availability of future public notices. Participation in the public meeting by Federal, state and local agencies and other interested organizations and persons are encouraged.

During the public scoping hearing, anyone wishing to make a statement will be allocated a certain amount of time to provide information on the proposed project. The amount of time each person is allowed will be directly dependent on the number of people who sign up to speak at the public hearing. At this time, we estimate that individuals will be given 3 minutes to provide their comments verbally. We would like to encourage interest groups to designate an official spokesperson to present the group's views. We will allocate a larger amount of time to official representatives of such groups upon request. Groups wishing to designate an official representative must notify the Corps in writing prior to, but no later than October 4, 2005. The determination of this extended speaking time will be based on the number of responses received by the Corps. This rule will be strictly enforced at the discretion of the Corps' hearing officer. Written and email comments to the Corps and LAHD will be received until October 28, 2005. Written comments should be sent to the address below: U.S. Army Corps of Engineers, Los Angeles District, Regulatory Branch, c/o Dr. Joshua Burnam, 915 Wilshire, Los Angeles, California 90017-3401, e-mail: [Joshua.L.Burnam@usace.army.mil](mailto:Joshua.L.Burnam@usace.army.mil).

6. *Availability of the Draft EIS/EIR.* The joint lead agencies expect the Draft

EIS/EIR to be made available to the public in June 2006. A public hearing will be held during the public comment period for the Draft EIS/EIR.

Dated: August 22, 2005.

**Mark R. Blackburn,**

*Lieutenant Colonel, U.S. Army, Acting District Engineer.*

[FR Doc. 05-17691 Filed 9-6-05; 8:45 am]

BILLING CODE 3710-92-P

## DEPARTMENT OF EDUCATION

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

**AGENCY:** Department of Education.

**ACTION:** List of correspondence from April 1, 2005 through June 30, 2005.

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

**FOR FURTHER INFORMATION CONTACT:**

Melisande Lee or JoLeta Reynolds. Telephone: (202) 245-7468.

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 a copy of this notice in an alternative format (e.g., Braille, large print, audiotope, 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 April 1, 2005 through June 30, 2005.

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 a 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 deleted, as appropriate. Most of the changes made to the IDEA by the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), which reauthorized and amended the IDEA, took effect on July 1, 2005. Because the letters in this list were issued prior to July 1, 2005, the effective date of IDEA 2004, statutory citations in this list refer to the provisions of the IDEA that were in effect prior to July 1, 2005.

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

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

*Section 619—Preschool Grants*

*Topic Addressed:* Allocation of Funds.

- Letter dated June 20, 2005 to New York State Education Department Deputy Commissioner Dr. Rebecca Cort, clarifying that the New York State Education Department may not require its local educational agencies (LEAs) to pass through Part B funds to private providers or counties in the form of a suballocation required under New York law, but that at an LEA's discretion, disbursements may be made to cover the cost of providing special education and related services to individual students with disabilities.

*Topic Addressed:* Use of Funds.

- Letter dated May 5, 2005 to Guam Associate Superintendent of Education Vincent T. Leon Guerrero, clarifying that Part B funds may be used to purchase mini buses equipped with wheelchair lifts operated solely to provide transportation services for eligible students with disabilities.

- Letter dated April 5, 2005 to Louisiana Department of Education Superintendent of Education Cecil J. Picard, approving the State's request to use Part B funds to purchase computer equipment and software to improve educational services for students with disabilities in the State's residential programs.

*Section 612—State Eligibility*

*Topic Addressed:* Children with disabilities placed in private schools by their parents.

- Office of Special Education Programs Memorandum 05-09 dated June 27, 2005 to Chief State School Officers, regarding significant statutory changes made by IDEA 2004 governing the obligations of LEAs to parentally-placed private school children with disabilities attending private schools in the LEA's area of jurisdiction and

announcing that for the 2005-06 school year only, the Secretary will allow States and LEAs to use the best available data in calculating the proportionate amount of Federal funds to be expended on services for parentally-placed private school children with disabilities, in lieu of conducting new child counts.

*Topic Addressed:* Participation of children with disabilities in state and district-wide assessments.

- Letter dated June 22, 2005 to New Mexico Public Education Department Director of Special Education Denise Koscielniak, clarifying that IDEA requirements governing the participation of children with disabilities in State and districtwide assessments are applicable to New Mexico's kindergarten screening program.

*Section 613—Local Educational Agency Eligibility*

*Topic Addressed:* Charter schools.

- Letter dated June 3, 2005 to Arizona Attorney Mary Ellen Simonson, regarding the Department's audit determination that for-profit charter schools are not eligible to receive funds under IDEA or Title I Part A of the Elementary and Secondary Education Act.

### Part C—Infants and Toddlers With Disabilities

*Section 636—Individualized Family Service Plan*

*Topic Addressed:* Natural environments.

- Letter dated June 7, 2005 to Washington Infant and Toddler Early Intervention Program Director Sandy L. Morris, regarding the natural environments requirements in Part C of IDEA, and clarifying that IDEA 2004 continues the Department's longstanding interpretation that early intervention services must be provided in a natural environment, unless a written justification exists for providing these services in other settings.

*Electronic Access to This Document*

You may 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.