

precondition to holding a resolution meeting.

○ Letter dated December 11, 2008 to individuals (personally identifiable information redacted), clarifying when a parent or an LEA may file a due process complaint regarding an individualized education program (IEP) that is not the child's most recent IEP.

Topic Addressed: Independent Educational Evaluations

○ Letter dated December 11, 2008 to Lehigh University Professor Perry A. Zirkel, clarifying when a parent of a child suspected of having a specific learning disability has the right to an independent educational evaluation at public expense under Part B of the IDEA.

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

Topic Addressed: Correction Of Noncompliance

○ OSEP Memorandum 09-02 dated October 17, 2008 to Chief State School Officers, entitled Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act.

○ Letter dated October 31, 2008 to Mountain Plains Regional Resource Center Director John Copenhaver, clarifying the Department's authority to require States to ensure that their LEAs correct all identified noncompliance with the requirements of the IDEA.

*Section 618—Program Information*

Topic Addressed: Significant Disproportionality

○ Letter dated November 4, 2008 to Montana Office of Public Instruction Department of Special Education Services Assistant Superintendent Robert Runkel, concerning methods for the collection and examination of data in making determinations of significant disproportionality under Part B of the IDEA.

#### **Part D—National Activities To Improve Education of Children With Disabilities**

*Section 674—Technology Development, Demonstration, and Utilization; Media Services; and Instructional Materials*

Topic Addressed: National Instructional Materials Access Center

○ Letter dated November 14, 2008 to American Printing House for the Blind, Inc. President Dr. Tuck Tinsley, concerning the National Instructional Materials Access Center's (NIMAC)

eligibility requirements for authorized users of NIMAC's database.

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

Topic Addressed: Report Cards and Transcripts

○ Dear Colleague Letter dated October 17, 2008 from former Assistant Secretary of the Department's Office for Civil Rights Stephanie J. Monroe, concerning whether information about students' disabilities and receipt of special education and related services may be disclosed on report cards and transcripts.

Topic Addressed: Family Educational Rights and Privacy Act

○ Dear Colleague letter dated December 17, 2008 from former Deputy Secretary Raymond Simon, providing a brief summary of the final regulations for the Family Educational Rights and Privacy Act that were published in the **Federal Register** on December 9, 2008 (73 FR 74806).

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(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

*Delegation of Authority:* The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for Special Education and Rehabilitative Services to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated: August 31, 2009.

**Andrew J. Pepin,**

*Executive Administrator for Special Education and Rehabilitative Services.*

[FR Doc. E9-21437 Filed 9-3-09; 8:45 am]

**BILLING CODE 4000-01-P**

## **DEPARTMENT OF EDUCATION**

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

**AGENCY:** Department of Education.

**ACTION:** List of Correspondence from January 1, 2009 through March 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:**

Laura Duos 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, 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 January 1, 2009 through March 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-Level Activities

○ Letter dated January 15, 2009 to Ohio Department of Education Chief Counsel Matthew J. DeTemple,

regarding whether funds reserved for State-level activities under Part B of the IDEA can be used in conjunction with other State and Federal funds to provide technical assistance to schools and local educational agencies (LEAs) identified for correction or improvement under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001.

Topic Addressed: Subgrants to Local Educational Agencies

○ Letter dated February 13, 2009 to District of Columbia Attorney Leigh M. Manasevit, regarding how population and poverty payments are calculated for a State School for the Blind and a State Department of Juvenile Services that have established their eligibility under Part B of the IDEA.

○ Letter dated February 4, 2009 to Minnesota Department of Education Supervisor of the Division of Program Finance Carol Hokenson, clarifying how the requirements for State educational agencies to allocate funds under Part B of the IDEA to eligible LEAs apply to cooperatives and member districts in Minnesota.

#### Section 612—State Eligibility

Topic Addressed: Children in Private Schools

○ Letter dated March 26, 2009 to Missouri Attorney Teri B. Goldman, clarifying the requirements in Part B of the IDEA that apply when a parent re-enrolls their parentally-placed private school or home-schooled child with a disability in a public school.

○ Letter dated January 28, 2009 to Maryland Attorney Michael J. Eig, clarifying that the LEA of the parent's residence, not the LEA where the private school the child attends is located, is responsible for conducting an evaluation for purposes of making a free appropriate public education available to a child who did not previously receive special education services from the LEA of residence and is parentally-placed in a private school located in another LEA.

Topic Addressed: Least Restrictive Environment

○ Letter dated March 30, 2009 to individual (personally identifiable information redacted), concerning the requirements for a continuum of alternative placements and clarifying that the least restrictive environment requirements in Part B of the IDEA are applicable to children with disabilities who attend public charter schools.

#### Section 615—Procedural Safeguards

Topic Addressed: Impartial Due Process Hearings

○ Letter dated January 15, 2009 to Massachusetts Commissioner of Education Mitchell D. Chester, concerning the requirements in Part B of the IDEA for impartial due process hearing officers and mediators.

#### Part C—Infants and Toddlers With Disabilities

##### Section 641—State Interagency Coordinating Council

Topic Addressed: Composition

○ Letter dated January 28, 2009 to Rhode Island State Interagency Coordinating Council (SICC) Chairperson Dawn Wardyga, concerning parent membership on the SICC.

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(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

**Delegation of Authority:** The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for Special Education and Rehabilitative Services to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated: August 31, 2009.

**Andrew J. Pepin,**

*Executive Administrator for Special Education and Rehabilitative Services.*

[FR Doc. E9-21434 Filed 9-3-09; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8597-1]

#### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7146.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated July 17, 2009 (74 FR 34754).

#### Draft EISs

*EIS No. 20090221, ERP No. D-AFS-F65076-WI*, Northwest Sands Restoration Project, Restoring the Pine Barren Ecosystem, Implementation, Washburn District Ranger, Chequamegon-Nicolet National Forest, Bayfield County, WI.

**Summary:** EPA does not object to the proposed project. Rating LO.

*EIS No. 20090222, ERP No. D-AFS-G65109-NM*, Rinconada Communication Site, Designation of Site to Serve Present and Future High Power Communication Needs and to Permit the Development of a Radio Transmission Facility within Site, Mt. Taylor Ranger District, Cibola National Forest, Cibola County, NM.

**Summary:** EPA does not object to the proposed action. Rating LO.

*EIS No. 20090226, ERP No. D-FHW-K40272-CA*, 6th Street Viaduct Seismic Improvement Project, Retrofitting or Demolition and Replacement of the Existing Viaduct over the Los Angeles river between Mateo and Mill Streets, Los Angeles County, CA.

**Summary:** EPA expressed environmental concerns about impacts to aquatic resources, air quality/construction mitigation, and environmental justice issues. EPA also requested additional cumulative impacts analysis. Rating EC2.

#### Final EISs

*EIS No. 20090251, ERP No. F-NPS-C61012-NY*, Fort Stanwix National Monument General Management Plan, Implementation, Funding, City of Rome, Oneida County, NY.

**Summary:** No formal comment letter was sent to the preparing agency.