



**U.S. Army Corps
of Engineers**
Pittsburgh District

Public Notice

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Public Notice No. LRP 09-46

Date: Sep 15, 2009

NOTICE OF PUBLIC HEARINGS:
**PROPOSED SUSPENSION AND MODIFICATION OF NATIONWIDE
PERMIT NUMBER 21 IN THE APPALACHIAN REGION OF
KENTUCKY, OHIO, PENNSYLVANIA, TENNESSEE, VIRGINIA, AND
WEST VIRGINIA**

NOTICE IS HEREBY GIVEN that six public hearings will be conducted by the U. S. Army Corps of Engineers in association with the proposal to suspend and modify Nationwide Permit 21 (NWP 21) in the Appalachian Region of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

BACKGROUND: On July 15, 2009, the U.S. Army Corps of Engineers published a proposal to take two actions concerning NWP 21, which authorizes discharges of dredged or fill material into waters of the United States for surface coal mining activities (74 FR 34311). The two proposed actions are to suspend NWP 21 to prohibit its use to authorize surface coal mining activities in the Appalachian region of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, and then to modify NWP 21 to make that prohibition permanent until NWP 21 expires on March 18, 2012. In this notice we also offered commenters the opportunity to request a public hearing. In a notice published in the August 13, 2009, issue of the Federal Register, we extended the comment period to September 14, 2009 (74 FR 40815).

We have received several requests to hold public hearings, and have determined that hearings would afford us the opportunity to gain additional information to assist us in reaching decisions on these two proposed actions. In the September 10, 2009, issue of the Federal Register (74 FR 46582), we announced that six public hearings will be held. A public hearing will be held in each of the six affected states. Written comments to supplement the hearing records may be submitted until October 26, 2009.

CELRP-OP-F
Public Notice No. 09-46

HEARING DATES, TIMES AND LOCATIONS FOR THE PITTSBURGH DISTRICT:

PENNSYLVANIA – The Pittsburgh District will host the hearing.

DATE: Thursday, October 15, 2009

TIME: 7:00 P.M., with registration beginning at 6:00 P.M.

LOCATION: David Lawrence Convention Center,
1000 Fort Duquesne Boulevard
Pittsburgh, PA 15222

ADDITIONAL INFORMATION: For a map, with directions, please see attachment.

WEST VIRGINIA – The Huntington District will host the hearing and Pittsburgh District will participate.

DATE: Tuesday, October 13, 2009

TIME: 7:00 P.M., with registration beginning at 6:00 P.M.

LOCATION: Charleston Civic Center, Little Theatre
200 Civic Center Drive
Charleston, WV 25031

ADDITIONAL INFORMATION: <http://www.lrh.usace.army.mil/>

OHIO - The Huntington District will host the hearing and Pittsburgh District will participate.

DATE: Thursday, October 15, 2009

TIME: 7:00 P.M., with registration beginning at 6:00 P.M.

LOCATION: Pritchard Laughlin Civic Center
7033 Glenn Highway
Cambridge, OH 43725

ADDITIONAL INFORMATION: <http://www.lrh.usace.army.mil/>

ADDITIONAL INFORMATION:

<http://www.nao.usace.army.mil/technical%20services/Regulatory%20branch/PN/PN.asp>

All interested parties are invited to be present at the public hearing, including officials of any local governments or any association whose interest may be affected by the proposal. Anyone wishing to comment will be given an opportunity to express views concerning the proposed request. Depending on the number of people of who wish to speak at each public hearing, the hearing officer may impose a time limit for each speaker, so that everyone who wishes to speak will be given the opportunity to do so. Oral statements supporting or opposing the proposal will be heard. Written statements may be presented at the hearing or mailed to the following address prior to the hearing date.

U.S. Army Corps of Engineers,
Attn: CECW-CO, Ms. Desiree Hann
441 G Street, NW., Washington, DC 20314-1000

In an effort to conserve and eliminate duplication of viewpoints or facts presented, groups with common interests are encouraged to consolidate their comments for presentation by a representative spokesperson.

All statements, both oral and written, will be recorded and transcribed and will become part of the official record.

The public hearings are being conducted to ensure that every effort is made to identify and weigh all beneficial and adverse effects of the proposals to modify and suspend NWP 21.

If you have any questions concerning this public notice, please contact the Pittsburgh District Regulatory Branch at (412) 395-7155 or Ms. Hann (202) 761-4560.



Scott A. Hans
Chief, Regulatory Branch

David L. Lawrence Convention Center

1000 Fort Duquesne Boulevard

Pittsburgh, PA 15222

Phone: 412-565-6000

[HTTP://WWW.PITTSBURGHCC.COM/CC/INDEX.ASPX](http://www.pittsburghcc.com/cc/index.aspx)

Driving Directions

From the Airport

PA 60 S to US-30 E becomes I-279 N through the Ft. Pitt Tunnels and across the Ft. Pitt Bridge. Take Ft. Duquesne Blvd Exit 6C. Follow sign to Convention/Strip District on 10th Street Bypass. Convention Center located on the right.

From the East | PA Turnpike

I-76 W (PA Turnpike) to Exit 57 Pittsburgh. Take I-376 W to Exit 2B Blvd. of the Allies. Take I-579 N to Seventh Ave /Convention Center Exit. Take Seventh Ave. Turn right onto William Penn Way. William Penn Way becomes 10th St. Convention Center straight ahead.

From the West | PA Turnpike

I-76 E (PA Turnpike) to Exit 28 Cranberry. Follow signs to I-79 S to I-279 S across Ft. Duquesne Bridge to 10 th Street Bypass. Convention Center located on the right.

From the North

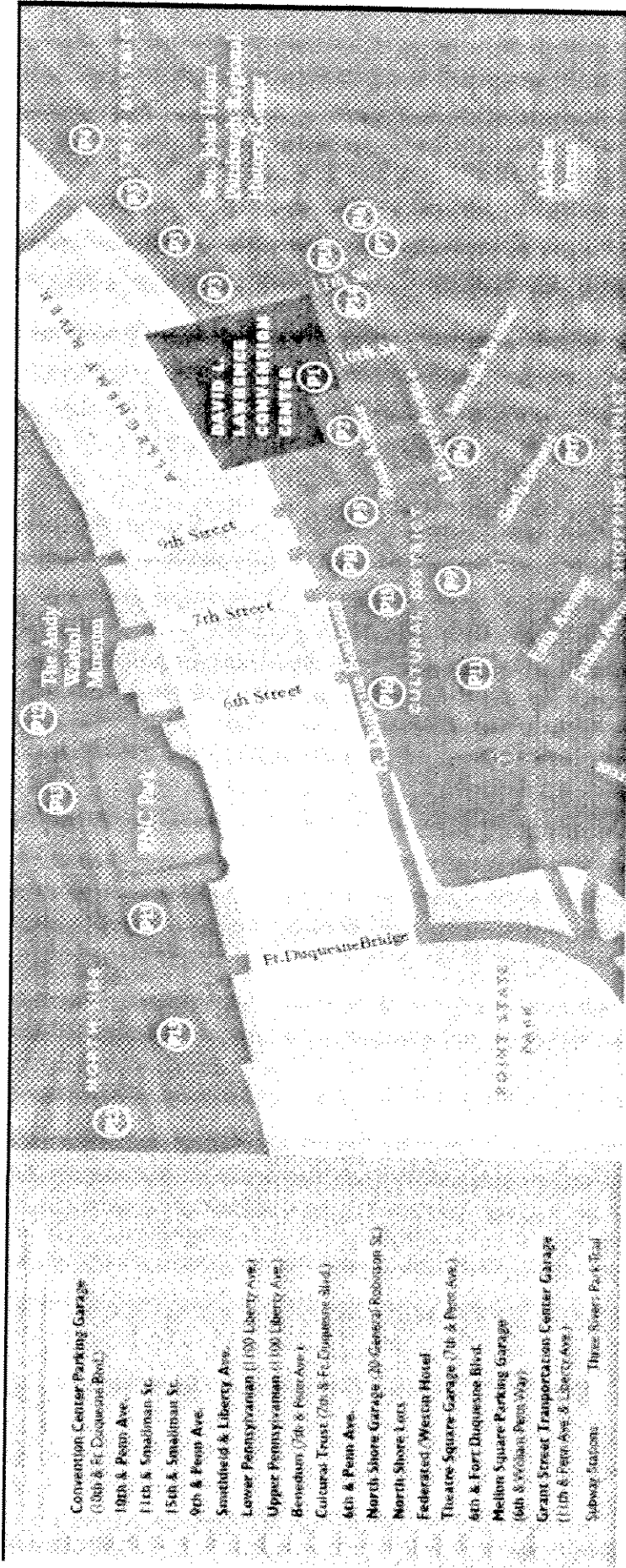
I-79 S to I-279 S across Ft. Duquesne Bridge to 10 th Street Bypass. Convention Center located on the right.

From the South

I-79 N to Exit 59 A Pittsburgh to I-279 N through Ft. Pitt Tunnels and across the Ft. Pitt Bridge. Take Ft. Duquesne Blvd Exit 6C. Follow sign to Convention/Strip District on 10th Street Bypass. Convention Center located on the right.

Parking

<http://www.pittsburghcc.com/cc/images/PDFs/ParkingMap.pdf>



Date: October 15, 2009

Time: 7:00 P.M., with registration beginning at 6:00 P.M.

Location:

David L. Lawrence Convention Center
 1000 Fort Duquesne Boulevard
 Pittsburgh, PA 15222
 Phone: 412-565-6000

Statements submitted in response to this notice must be received by the Designated Federal Official at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after that date may not be provided or considered by the Committee until its next meeting. All submissions provided before that date will be presented to the committee members before the meeting that is the subject of this notice.

Dated: September 3, 2009.

Patricia L. Toppings,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. E9-21746 Filed 9-9-09; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

RIN 0710-ZA04

Proposed Suspension and Modification of Nationwide Permit 21

AGENCY: United States Army Corps of Engineers, Department of Defense.

ACTION: Notice of public hearings.

SUMMARY: In the July 15, 2009, issue of the **Federal Register** (74 FR 34311) the U.S. Army Corps of Engineers published a proposal to take two actions concerning Nationwide Permit 21, which authorizes discharges of dredged or fill material into waters of the United States for surface coal mining activities. The two proposed actions are to suspend NWP 21 to prohibit its use to authorize surface coal mining activities in the Appalachian region of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, and then to modify NWP 21 to make that prohibition permanent until NWP 21 expires on March 18, 2012. In the July 15, 2009, notice we also offered commenters opportunity to request a public hearing. In the August 13, 2009, issue of the **Federal Register** (74 FR 40815), we extended the comment period to September 14, 2009. We have received several requests to hold public hearings, and have determined that hearings would afford us the opportunity to gain additional information to assist us in reaching decisions on these two proposed actions. Therefore, we will be holding public hearings in each of the six affected states. Written comments to supplement the hearing records may be submitted until October 26, 2009.

DATES: See **SUPPLEMENTARY INFORMATION** section for public hearing dates. Written comments to supplement the hearing records may be submitted until October 26, 2009.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section for public hearing addresses. Written comments to supplement the hearing records may be submitted by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments to supplement the hearing records to docket number COE-2009-0032.

Mail: U.S. Army Corps of Engineers, Attn: CECW-CO (Attn: Ms. Desiree Hann), 441 G Street, NW., Washington, DC 20314-1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments to supplement the hearing records by hand delivery or courier.

FOR FURTHER INFORMATION CONTACT: Ms. Desiree Hann or Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC. Ms. Hann can be reached at 202-761-4560 and Mr. Olson can be reached at 202-761-4922.

SUPPLEMENTARY INFORMATION: In the July 15, 2009, issue of the **Federal Register** (74 FR 34311) the U.S. Army Corps of Engineers (Corps) published a proposal to take two actions concerning Nationwide Permit 21, which authorizes discharges of dredged or fill material into waters of the United States for surface coal mining activities. In the August 13, 2009, issue of the **Federal Register** (74 FR 40815) the Corps announced the extension of the comment period for those two proposed actions to September 14, 2009.

We have received several requests for public hearings. Most of those requests have asked that we conduct six public hearings, one in each of the six states proposed to be affected by the suspension and modification of NWP 21, including Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. Since we have determined that the hearings would likely provide additional information to assist us in our decision making for the two proposed actions, we have decided to hold six public hearings in cities that are either in or near the coalfield regions in each of these six states. The legal authority for these hearings is Section 404 of the Clean Water Act (33 U.S.C. 1344).

The hearings are open to the public. Comments may be submitted in person at the hearing or in writing to the Chief

of Engineers through the methods listed in the **ADDRESSES** section above. Filing of written statements would be helpful and facilitate the job of the court reporters. All hearings will be transcribed. Depending on the number of people of who wish to speak at each public hearing, the hearing officer may impose a time limit for each speaker, so that everyone who wishes to speak will be given the opportunity to do so. Each public hearing will be held in accordance with the Corps public hearing regulations at 33 CFR Part 327. Written comments to supplement the hearing records may be submitted until October 26, 2009.

The public hearings will be held on the following dates and at the following locations:

1. *Huntington District:* October 13, 2009, in Charleston, West Virginia at the Charleston Civic Center, Little Theatre. The public hearing will start at 7 p.m. Additional information on this public hearing will be available at: <http://www.lrh.usace.army.mil/permits/publicnotices/wv/>.
2. *Huntington District:* October 15, 2009, in Cambridge, Ohio at the Pritchard Laughlin Civic Center. The public hearing will start at 7 p.m. Additional information on this public hearing will be available at: <http://www.lrh.usace.army.mil/permits/publicnotices/oh/>.
3. *Louisville District:* October 13, 2009, in Pikeville, Kentucky at the East Kentucky Expo Center. The public hearing will start at 7 p.m. Additional information on this public hearing will be available at: <http://www.lrl.usace.army.mil/>.
4. *Nashville District:* October 13, 2009, in Knoxville, Tennessee. The public hearing will start at 7 p.m. Additional information on this public hearing will be available at: http://www.lrn.usace.army.mil/coj/special_notices.htm.
5. *Pittsburgh District:* October 15, 2009, in Pittsburgh, Pennsylvania. The public hearing will start at 7 p.m. Additional information on this public hearing will be available at: http://www.lrp.usace.army.mil/or/or-f/public_notice.htm.
6. *Norfolk District:* October 15, 2009, in Big Stone Gap, Virginia at Mountain Empire Community College. The public hearing will start at 7 p.m. Additional information on this public hearing will be available at: <http://www.nao.usace.army.mil/technical%20services/Regulatory%20branch/PN/PN.asp>. Specific information for each public hearing, including the addresses of the

hearing locations, will be posted on the district Web sites listed above.

Dated: September 3, 2009.

Michael G. Ensch,

Chief, Operations, Directorate of Civil Works.

[FR Doc. E9-21792 Filed 9-9-09; 8:45 am]

BILLING CODE 3710-92-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Record of Decision for Norfolk Harbor Channel Dredging, Norfolk and Portsmouth, VA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DON), after carefully weighing the operational and environmental consequences of the proposed action, announces its decision to deepen approximately five miles of Norfolk Harbor Channel, the Federal navigational channel in the Southern Branch of the Elizabeth River, separating Norfolk and Portsmouth, Virginia. Dredging in the heavily-used waterway would occur from the Lamberts Point Deperming Station in the Lamberts Bend Reach, south to Naval Support Activity Norfolk Naval Shipyard, commonly referred to as the Norfolk Naval Shipyard (NNSY), in the Lower Reach. Dredged material would be placed at The U.S. Army Corps of Engineers' (USACE) Craney Island Dredged Material Management Area (CIDMMA). The deepening project will establish continuously safe and expeditious transit routes for U.S. Naval Ships to Lamberts Point Deperming Station and NNSY. Dredging would occur completely within the existing USACE-maintained federal navigation channel. In its decision, the Navy considered applicable executive orders, including an analysis of the effects of its actions in compliance with the Endangered Species Act, the Coastal Zone Management Act, and the National Historic Preservation Act, and the requirements of Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations* and EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*.

The proposed action will be accomplished as set out in Alternative A, described in the Final Environmental Impact Statement (EIS) as the preferred alternative. Implementation of the preferred alternative could begin immediately.

SUPPLEMENTARY INFORMATION: The Record of Decision (ROD) has been distributed to all those individuals who requested a copy of the Final EIS and agencies and organizations that received a copy of the Final EIS. The full text of the Navy's ROD is available for public viewing on the project Web site at <http://www.norfolkredgingeis.com>, along with copies of the Final EIS and supporting documents. Single copies of the ROD will be made available upon request by contacting Ms. Caren Hendrickson, Naval Facilities Engineering Command Mid-Atlantic, telephone 757-444-1030.

Dated: September 3, 2009.

T. M. Cruz,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. E9-21819 Filed 9-9-09; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 9, 2009.

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 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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 3, 2009.

Angela C. Arrington,

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

Office of Elementary and Secondary Education

Type of Review: Extension.

Title: Annual Performance Report for Reading First.

Frequency: Annually.

Affected Public: Business or other for profit; State, local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 54.

Burden Hours: 810.

Abstract: Section 1202 of the Elementary and Secondary Education Act describes information to be included in the annual performance report required of Reading First grantees. Submission of the annual performance report (APR) via the data collection site has been taking place since 2004 and will continue to occur between October 15 and November 30 of each year. If APR data submitted during this time frame are incomplete or inaccurate or if re-submission of data is requested by State education agencies (SEAs), additional data collection may occur at other times throughout the year. The Government Performance Results Act (GPRA) report provides national-level achievement data for all comprehension and fluency outcome measures for each year of program implementation. The national-level information includes an average of the percentage of proficient students in SEAs administering the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) Oral Reading Fluency measure