

access to the Grants.gov help desk to address any technical issues related to application submission that may arise the day before the deadline date. As a result of the change in the deadline date, we are also extending the Date for Intergovernmental Review by one day—to July 26, 2012.

### Correction

An error appears in the *Electronic Submission of Applications* section of the March 27 13 Validation NIA. In seven places within that section, the notice indicates that applications must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. These references to “4:30 p.m.” should be references to “4:30:00 p.m.” For this reason, we correct the March 27 13 Validation NIA as follows:

On page 18238, second column, second bulleted paragraph, correct the three references to “4:30 p.m.” to read “4:30:00 p.m.”.

On page 18238, third column, sixth paragraph, correct the reference to “4:30 p.m.” to read “4:30:00 p.m.”.

On page 18238, third column, seventh paragraph, correct the two references to “4:30 p.m.” to read “4:30:00 p.m.”.

On page 18239, second column, fifth full paragraph, correct the reference to “4:30 p.m.” to read “4:30:00 p.m.”.

**Program Authority:** American Recovery and Reinvestment Act of 2009, Division A, Section 14007, Public Law 111-5.

### VIII. Agency Contact

#### FOR FURTHER INFORMATION CONTACT:

Carol Lyons, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W203, Washington, DC 20202-5930. Fax: (202) 205-5631. Telephone: (202) 453-7122 or by email: [i3@ed.gov](mailto:i3@ed.gov).

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

**Accessible Format:** Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in this notice.

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can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 25, 2012.

**James H. Shelton, III,**

*Assistant Deputy Secretary for Innovation and Improvement.*

[FR Doc. 2012-10373 Filed 4-27-12; 8:45 am]

**BILLING CODE 4000-01-P**

### DEPARTMENT OF EDUCATION

[Docket ID ED-2012-OESE-0002]

#### Final Revision to Selection Criteria—Enhanced Assessment Instruments; CFDA Number: 84.368

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Assistant Secretary for Elementary and Secondary Education amends the selection criteria under the Enhanced Assessment Instruments Grant program, also called the Enhanced Assessment Grant (EAG) program, as established in the notice of final priorities, requirements, definitions, and selection criteria published in the **Federal Register** on April 19, 2011 (2011 NFP). The 2011 NFP established specific priorities, requirements, definitions, and selection criteria that may be used for the EAG program. The revisions in this notice provide the Secretary with additional flexibility with respect to selection criteria for EAG competitions in 2012 that use fiscal year (FY) 2011 funds and for subsequent competitions. We believe that these revisions will enable the Department to administer this program more effectively, simplify the application and review processes, and better ensure that the strongest applications receive EAG funds.

**DATES:** *Effective Date:* The revisions are effective May 30, 2012.

**FOR FURTHER INFORMATION CONTACT:** Collette Roney, U.S. Department of Education, 400 Maryland Avenue SW., room 3W210, Washington, DC 20202.

Telephone: (202) 401-5245 or by email: [Collette.Roney@ed.gov](mailto:Collette.Roney@ed.gov).

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

#### SUPPLEMENTARY INFORMATION:

**Purpose of Program:** The purpose of the EAG program is to enhance the quality of assessment instruments and systems used by States for measuring the academic achievement of elementary and secondary school students.

**Program Authority:** 20 U.S.C. 7301a.

We published a notice of proposed revisions for this program in the **Federal Register** on January 30, 2012 (77 FR 4553). That notice contained background information and our reasons for proposing the revisions relating to the use of selection criteria for this program.

**Public Comment:** In response to our invitation in the notice of proposed revisions, we did not receive any comments. However, as a result of our further review of the proposed revisions since publication of the notice of proposed revisions, we have made one change as follows:

#### Analysis of Comments and Changes

**Comment:** None.

**Discussion:** In reviewing the statement of the proposed revisions to selection criteria further, the Department has decided that it may be helpful to address the assignment of maximum possible points—not only with respect to criteria used for competitions, but also with respect to factors under those criteria. The Department has the authority under 34 CFR 75.201 to assign maximum points at the factor level. This change, therefore, does not substantively change the Department's authority or practice; it merely describes the manner in which the Department may indicate whether factors under a selection criterion have been assigned maximum points.

**Changes:** We have added language to the statement of revisions to clarify that the Department may assign, in the notice inviting applications, the application package, or both, the maximum possible points an applicant may earn under each factor under a selection criterion.

#### Final Revisions to Selection Criteria

The Secretary may use one or more of the selection criteria listed in paragraphs (a) through (d) for evaluating an application under this program. This flexibility includes the authority to reduce the number of selection criteria. In order to assist peer reviewers in

determining the degree to which an applicant meets a criterion, the Secretary may further define each criterion from each of these sources by selecting one or more specific factors within a criterion or assigning factors from one criterion, from any of those sources, to another criterion, in any of those sources. We may apply one or more of these criteria in any year in which this program is in effect. In the notice inviting applications or the application package, or both, we will announce the maximum possible points assigned to each criterion and may also assign the maximum possible points for each factor.

Selection criteria for any EAG competition may come from:

(a) The selection criteria established in the 2011 NFP.

(b) The selection criteria in 34 CFR 75.210.

(c) Selection criteria based on the statutory requirements for the EAG program in accordance with 34 CFR 75.209.

(d) Any combination of selection criteria and factors in paragraphs (a) through (c).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This notice does not solicit applications. In any year in which we choose to use one or more of these selection criteria, we invite applications through a notice in the *Federal Register*.<sup>1</sup>

#### Executive Orders 12866 and 13563

Under Executive Order 12866, the Secretary must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees,

or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are taking this regulatory action only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that these

regulations are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department’s programs and activities.

#### Summary of Potential Costs and Benefits

This regulatory action affects only State educational agencies (SEAs) or consortia of SEAs applying for assistance under the EAG program. It creates flexibility for the Department, with respect to EAG competitions in 2012 for FY 2011 funds and for subsequent competitions, to select from among, or to combine, selection criteria that were established in the 2011 NFP criteria, selection criteria from 34 CFR 75.210, and other selection criteria based on the statute under 34 CFR 75.209. This flexibility allows the Department to align selection criteria with program needs and ensure that the strongest applications are selected for funding under the program.

This flexibility does not impose a financial burden that SEAs would not otherwise incur in the development and submission of a grant application under the EAG program. In addition, under some circumstances (for example, if the Department elected to use fewer criteria or factors in a given competition), the revisions could reduce the financial burden of preparing an EAG grant application by a modest amount. Moreover, the Department typically only receives a small number of applications for this program, which further serves to mitigate any potential costs because few entities are affected.

*Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

<sup>1</sup> Availability of funds for the EAG program for a given year is contingent upon an appropriation of funds for the program by the Congress.

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Dated: April 25, 2012.

**Michael Yudin,**

*Acting Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2012-10357 Filed 4-27-12; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Amended Notice of Intent To Modify the Scope of the Environmental Impact Statement for the Champlain Hudson Power Express Transmission Line Project in New York State

**AGENCY:** Department of Energy.

**ACTION:** Amended Notice of Intent.

**SUMMARY:** The United States (U.S.) Department of Energy (DOE) intends to modify the scope of the *Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement* (CHPE EIS; DOE/EIS-0447) and to conduct additional public scoping. As described in the original Notice of Intent (NOI) (75 FR 34720; June 18, 2010), in January 2010, Transmission Developers Inc. (TDI) submitted, on behalf of Champlain Hudson Power Express, Inc. (Applicant), an application to DOE for a Presidential permit for the Champlain Hudson Power Express (Champlain Hudson) project. As explained in the NOI, DOE will assess the potential environmental impacts associated with the construction, operation,

maintenance, and connection of the proposed new electric transmission line across the U.S.-Canada border in northeastern New York State. Public scoping originally closed on August 2, 2010. On February 28, 2012, TDI submitted an amendment to the application for a Presidential permit to DOE that reflects proposed changes to the route of the Champlain Hudson project, and DOE now intends to revise the scope of the EIS to address these proposed changes. The proposed changes are the result of settlement negotiations among New York (NY) State agencies, Champlain Hudson Power Express, Inc., CHPE Properties, Inc. and other stakeholders as part of the project review under Article VII of the New York State Public Service Law, and are reflected in a February 24, 2012, "Joint Proposal" submitted to the New York Public Service Commission.

The U.S. Fish & Wildlife Service, New York Field Office (USFWS Region 5), the U.S. Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (EPA Region 2), the New York State Department of Environmental Conservation (NYSDEC), and the New York State Department of Public Service (NYS DPS) are cooperating agencies in the preparation of the EIS.

**DATES:** DOE is accepting public comments on the revised scope of the CHPE EIS until June 14, 2012. DOE will consider comments submitted after this date to the extent practicable.

**ADDRESSES:** Please direct written comments on the scope of the EIS and requests to be added to the document mailing list to: Brian Mills, Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by electronic mail to [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov); or by facsimile to 202-586-8008. For general information on the DOE NEPA process contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC-54), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone 202-586-4600, or leave a message at 1-800-472-2756; by facsimile at 202-586-7031; or send an email to [askNEPA@hq.doe.gov](mailto:askNEPA@hq.doe.gov).

For information on the USFWS's role as a cooperating agency, contact Tim R. Sullivan by electronic mail at [Tim\\_R\\_Sullivan@fws.gov](mailto:Tim_R_Sullivan@fws.gov); by phone at 602-753-9334; or by mail at 3817 Luker Road, Cortland, NY 13045.

For information on the Army Corps of Engineers' permit process, contact

Naomi J. Handell by electronic mail at [Naomi.J.Handell@usace.army.mil](mailto:Naomi.J.Handell@usace.army.mil); or by mail at 696 Virginia Road, Concord, MA 01742.

For information on the EPA's role as a cooperating agency, contact Lingard Knutson by electronic mail at [Knutson.Lingard@epamail.epa.gov](mailto:Knutson.Lingard@epamail.epa.gov); by phone at 212-637-3747; or by mail at 290 Broadway, Mail Code: 25th Floor, New York, NY 10007-1866.

For information on the New York State Department of Environmental Conservation's role as a cooperating agency, contact Patricia Desnoyers by electronic mail to [pjdesnoy@gw.dec.state.ny.us](mailto:pjdesnoy@gw.dec.state.ny.us); or by mail at 625 Broadway, Albany, NY 12233.

For information on the New York State Department of Public Service's role as a cooperating agency, contact James Austin by electronic mail at [james\\_austin@dps.state.ny.us](mailto:james_austin@dps.state.ny.us); or by mail at 3 Empire State Plaza, Albany, NY 12223.

#### SUPPLEMENTARY INFORMATION:

##### Background

Executive Order (E.O.) 10485, *Providing for the performance of certain functions heretofore performed by the President with respect to electric power and natural gas facilities located on the borders of the United States*, as amended by E.O. 12038 *Relating to certain Functions transferred to the Secretary of Energy by the Department of Energy Organization Act*, requires issuance of a Presidential permit by DOE before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The E.O. provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after favorable recommendations from the U.S. Departments of State and Defense. In determining consistency with the public interest, DOE considers the potential environmental impacts of the proposed project under NEPA, determines the project's impact on electric reliability (including whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions), and considers any other factors that DOE may find relevant to the public interest. The regulations implementing the E.O. have been codified at 10 CFR 205.320-205.329. DOE's issuance of a Presidential permit would indicate that there is no Federal objection to the project, but would not mandate that the project be constructed.

On January 25, 2010, TDI submitted an application, on behalf of Champlain