

response to this notice will be considered public records.

**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. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: February 10, 2011.

**Darrin A. King,**

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

**Office of Planning, Evaluation and Policy Development**

*Type of Review:* NEW.

*Title of Collection:* Equitable Distribution of Effective Teachers.

*OMB Control Number:* Pending.

*Agency Form Number(s):* N/A.

*Frequency of Responses:* Once.

*Affected Public:* State, Local, or Tribal Government, State Education Agencies or Local Education Agencies.

*Total Estimated Number of Annual Responses:* 42.

*Total Estimated Annual Burden Hours:* 135.

*Abstract:* The most recent reauthorization of the Elementary and Secondary Education Act in 2002 required that states provide assurances and develop plans to "ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out of field teachers" (Section 1111 (b)(8)(C)). In 2009, American Recovery and Reinvestment Act (ARRA) requirements reinforced the focus on equitable distribution of teachers by requiring states applying for education stimulus funds to provide updated assurances and to publicize their most recent "equity plans." ARRA also establishes

competitive grants to help states build their pool of effective teachers and address inequities in the distribution of teachers. In addition to their focus on the equitable distribution of teacher quality, federal programs also have been promoting shifts in how teacher quality is measured, away from teacher qualifications and toward measures of instructional practice and effectiveness at raising student achievement. Federal programs such as the Teacher Incentive Fund and Race to the Top have provided incentives for states and districts to move in this direction, including funds to support some of the technical aspects of development.

Federal policymakers need to know whether the policies and programs they sponsor under these laws contribute to teacher quality for disadvantaged students. Hence, the U.S. Department of Education requires a study documenting the state and local actions to (a) develop new measures of teacher quality, (b) analyze the distribution of teacher quality, and (c) develop and implement plans to ensure teacher quality for disadvantaged students. To inform federal policymakers, the study will examine the implementation of these activities with attention to implementation challenges, the role of state and local context, and the roles of the federal programs designed to foster these activities.

The planned data collections will serve four objectives:

1. To examine how states and districts analyze the distribution of teacher quality, plan actions to address inequities, and monitor progress.
2. To examine how states and districts are changing their measures of teacher quality, and to understand their experiences in doing so.
3. To examine state and local actions to improve teacher quality for disadvantaged students (i.e., students in high-poverty or high-minority schools).
4. To describe the perceived contributions of federal programs to state and local actions aimed at improving the quality of teachers for disadvantaged students, and how state and local contexts mediate these contributions.

To address these objectives, our design includes telephone interviews with state education agencies and local education agencies.

Requests for copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or from the Department's Web site at <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and

by clicking on link number 4426. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-401-0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 2011-3489 Filed 2-15-11; 8:45 am]

**BILLING CODE 4000-01-P**

**DEPARTMENT OF EDUCATION**

**Public Comment on Setting Achievement Levels in Writing**

**AGENCY:** U.S. Department of Education, National Assessment Governing Board.

**ACTION:** Notice, Public Comment on Setting Achievement Levels in Writing.

**SUMMARY:** The National Assessment Governing Board (Governing Board) is soliciting public comments and recommendations to improve the design proposed for setting achievement levels for NAEP in writing. This notice provides opportunity for public comment and submitting recommendations for improving the design proposed for setting achievement levels for the 2011 National Assessment of Educational Progress (NAEP) in Writing.

The proposed Design Document, available at <http://www.wested.org/cs/naep/print/docs/naep/welcome.html>, describes the process that will produce cutscores to represent the lower boundary of each of three NAEP achievement levels: Basic, Proficient, and Advanced. The Governing Board has contracted with WestEd to assist in gathering feedback on the design document. Additional information on the Governing Board's work and NAEP achievement levels can be found at <http://www.nagb.org>

Public and private individuals and organizations are invited to provide written comments and recommendations. Voluntary participation by all interested parties is urged. This notice sets forth the review schedule, identifies the kinds of information that the Governing Board is seeking to obtain regarding the Design

Document, and provides information for accessing additional materials that will be useful for this review. This document is intended to notify members of the general public of their opportunity to provide comments and/or make recommendations.

### Background

Under Public Law 107-279, the Governing Board is authorized to formulate policy guidelines for NAEP. The legislation specifies that the Governing Board is to develop appropriate student achievement levels for each subject and grade tested, as provided in section 303(e). Achievement levels are determined by identifying the knowledge that can be measured and verified objectively using widely accepted professional assessment standards. Achievement levels are to be consistent with relevant widely accepted professional assessment standards, and based on the appropriate level of subject matter knowledge for grade levels to be assessed, or on the age of the students

In preparation for setting achievement levels for the new assessment of writing at grades 4, 8, and 12, the Governing Board seeks comment on the draft Design Document intended to guide this process. This is the first wholly computer-based NAEP, and the design calls for this to be the first computerized NAEP achievement levels-setting process. Comments are invited, particularly on the computerization of the achievement levels setting process. All responses received will be taken into consideration before finalizing the Design Document.

### Materials for Review and Comment

Policymakers, teachers, researchers, State and local writing specialists, members of professional writing and teacher organizations, and members of the public are invited to provide feedback. Comments will provide valuable feedback that is designed to improve the first computerized achievement levels setting process.

To assist with the review and comment, the following materials are posted at <http://www.wested.org/cs/naep/print/docs/naep/welcome.html>.

(1) *Design Document*: The draft Design Document presents a preliminary design approach to guide all aspects of the process.

(2) *Focus Questions*: Focus questions related to certain aspects of the Design Document are provided as potential areas of interest for your feedback. While all comments and recommendations are appreciated,

specific issues that you might wish to address include the following:

1. The objective of this study is to set achievement levels for the 2011 and 2013 NAEP writing assessments. Does the study design as presented in the Design Document seem reasonable for accomplishing this overall objective?

2. What improvements can be made to the design to more fully accomplish the objectives of this study?

3. The proposed design calls for the computerization of many aspects of the study. Are there aspects of this computerization that will be particularly effective or ineffective in meeting the objective of this study?

4. Is the field trial as described a reasonable method for testing the logistics of the computerized methodology?

5. Is the special study as described a reasonable method for comparing performance relative to the achievement levels on the 2007 writing NAEP assessment with performance relative to the achievement levels for the new writing NAEP assessment?

### Timeline

It is anticipated that the finalized Design Document will be presented for approval to the Governing Board on March 4, 2011. Comments must be received by February 22, 2011, and sent to:

WestEd, 730 Harrison Street, San Francisco, CA 94107, Attention: Jennae Bulat: Public Comment, Fax: (415) 615-3200, E-mail: [jbulat@wested.org](mailto:jbulat@wested.org).

### FOR FURTHER INFORMATION CONTACT:

Jennae Bulat, WestEd, 730 Harrison Street, San Francisco, CA 94107, Telephone: (415) 615-3260, FAX: (415) 615-3200, E-mail: [JBulat@Wested.org](mailto:JBulat@Wested.org).

*Electronic Access to This Document*: You may 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) 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 1-866-512-0000; or in the Washington, DC area at (202) 512-1800.

**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>.

Dated: February 10, 2011.

**Munira Mwalimu,**

*Operations Officer, National Assessment Governing Board, U.S. Department of Education.*

[FR Doc. 2011-3438 Filed 2-15-11; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13829-001]

#### David Creasey; Notice of Application Tendered for Filing With the Commission; Notice of Application Tendered for Filing With the Commission, Accepted for Filing With the Commission, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, Intent To Waive Solicitation of Additional Study Requests, Intent To Waive Scoping, Intent To Waive Three Stage Consultation, Soliciting Comments, Terms and Conditions, Recommendations, and Prescriptions, and Establishing an Expedited Schedule for Processing

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application*: Original Minor License.

b. *Project No.*: 13829-001.

c. *Date filed*: February 4, 2011.

d. *Applicant*: David Creasey.

e. *Name of Project*: Creasey Hydropower Project.

f. *Project Description*: The Creasey Hydropower Project would consist of the following: (1) A 21-foot-wide, 6.5-foot-high concrete check structure which would back up water in Lincoln Creek; (2) a 1,650-foot-long, 21-inch-diameter PVC penstock with an intake structure and trashrack; (3) one turbine/generator unit with a total installed capacity of 14-20 kilowatts; (4) a 12-foot long, 14-foot wide concrete slab on which the turbine/generator unit would sit; (5) an approximately 75-foot-long, 12-inch-diameter PVC pipe which would return flows to the Lincoln Creek Drainage Ditch; and (6) an approximately 900-foot-long buried transmission line from the turbine/generator unit to the Creasey residence. The project would have an annual generation of 122.4 megawatt-hours. All project facilities would be located on private land owned by the applicant. The applicant proposes to operate the project as run-of-river.