

authority. Several recommendations were included in a report to the sponsor for potential further consideration through other USACE programs.

Dated: September 4, 2020.

**Karen J. Baker,**

*Programs Director, North Atlantic Division.*

[FR Doc. 2020-19994 Filed 9-9-20; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Notice of Intent To Prepare an Environmental Impact Statement for an Easement to Cross Under Lake Oahe, North Dakota for a Fuel-Carrying Pipeline Right-Of-Way for a Portion of the Dakota Access Pipeline

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** This notice advises the public that the U.S. Army Corps of Engineers (Corps), as lead agency, will prepare an environmental impact statement (EIS) pursuant to court order to evaluate granting an easement to Dakota Access, LLC to cross federal land administered by Corps for the Oahe Dam and Reservoir Project on the Missouri River. This notice opens the public scoping phase and invites interested parties to identify issues and reasonable alternatives to the proposed action that should be considered in the EIS.

**DATES:** To ensure consideration during the EIS process, written comments on the scope of the EIS must be received no later than October 26, 2020. Due to the ongoing coronavirus (COVID-19) pandemic, virtual scoping meetings will be held in lieu of in-person scoping meetings. Virtual scoping meetings will be held on October 15 and 16, 2020. Additional information is included under "Public Scoping."

**ADDRESSES:** Scoping comments can be submitted by mail or email. Please do not submit comments on USB, hard drive, or other portable storage devices.

Scoping comments can be mailed to: U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO-PM-A-C (DAPL NOI), 1616 Capitol Avenue, Omaha, NE 68102.

Scoping comments can also be emailed to: [NWO-DAPL-EIS@usace.army.mil](mailto:NWO-DAPL-EIS@usace.army.mil).

If emailing comments, please use "Scoping Comments, Dakota Access Pipeline Crossing" as the subject of your email.

**FOR FURTHER INFORMATION CONTACT:** Heath Kruger, U.S. Army Corps of Engineers at (402)-995-2036 or by email at: [NWO-DAPL-EIS@usace.army.mil](mailto:NWO-DAPL-EIS@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** On July 25, 2016, the Corps granted permission to applicant Dakota Access, LLC, under Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. 408 (408 permission), for a proposed pipeline crossing under Lake Oahe approximately 0.5 miles upstream of the northern boundary of the Standing Rock Reservation. The approximately 1,172-mile pipeline connects the Bakken and Three Forks oil production areas in North Dakota to an existing crude oil market near Patoka, Illinois.

The 408 permission was supported by a Finding of No Significant Impact (FONSI) based on an Environmental Assessment (EA), as contemplated under the National Environmental Policy Act (NEPA). This EA/FONSI was completed on July 25, 2016, the date that the Corps granted the 408 permission. On February 8, 2017, the Corps granted an easement, with conditions, to cross federal property administered by the Corps at Lake Oahe, North Dakota. The Corps granted the easement under the Mineral Leasing Act (MLA), 30 U.S.C. 185. The easement allowed for the installation, construction, operation, maintenance, repair, replacement and termination of a thirty-inch diameter horizontal directional drill buried oil pipeline for the purpose of transporting crude oil, and related facilities, at or under Lake Oahe Project in North Dakota, with a 50-foot wide width plus the ground occupied by the pipeline and related facilities. Operation of the pipeline began on June 1, 2017.

On March 25, 2020, the District Court for the District of Columbia ordered the Corps to prepare an EIS for this portion of the pipeline because the pipeline's "effects on the quality of the human environment are likely to be highly controversial." *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs*, No. 1: 16-cv-01534, Memorandum Opinion (D.D.C. March 25, 2020), ECF No. 496.

The proposed crossing of Corps-administered federal property requires the grant of a right-of-way (easement) under the MLA. Comments are invited to assist in identifying the scope of potentially affected environmental, social, and economic issues relevant to the potential grant of an easement and determining if there are reasonable alternatives to be considered in the EIS.

Consistent with the Court's decision, Dakota Access, LLC seeks an easement

from the Corps for the original proposed project whose construction was completed on June 1, 2017. A decision on whether to authorize the pipeline to cross Lake Oahe at the proposed location would be based on: (1) The July 25, 2016, EA/FONSI; (2) the Corps' August 31, 2018, analysis on remand from a decision by the District Court; and (3) additional analysis developed through this EIS.

**Scoping Process:** As the lead federal agency, the Corps will also coordinate with the public, other state and local agencies, and Tribes in order to evaluate the range of actions, alternatives, and impacts of the proposed project. Consistent with the Council on Environmental Quality (CEQ's) NEPA implementing regulations, we anticipate that an EIS will analyze the following possible alternatives:

- (1) No action alternative, where the Corps would not grant an easement and would require restoration of the Corps-administered federal lands to pre-pipeline construction conditions;
- (2) The Corps would not grant an easement and would take no further action;
- (3) The Corps would grant the requested easement with the same conditions as the vacated easement; and
- (4) The Corps would grant the requested easement with additional conditions beyond those in the vacated easement.

As part of this notice, the Corps requests input on any additional potential alternatives.

**Public Scoping:** This notice also serves to inform the public that virtual public scoping meeting will be held during the 45-day scoping period. Virtual scoping meetings will be held on October 15 and 16, 2020 from 6:00 p.m. to 9:00 p.m. central time on each day. The meeting information can be accessed at <https://go.usa.gov/xG2Pt>. The Corps will use the comments received to assist in identifying the significant issues which should be addressed in the EIS.

**Public Comment Availability:** Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the

Corps cannot guarantee that this will occur.

**D. Peter Helmlinger,**

*Brigadier General, U.S. Army, Division Commander.*

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## DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0147]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Assessment of Educational Progress (NAEP) 2021 Materials Update

**AGENCY:** Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision to an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before October 13, 2020.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection request by selecting “Department of Education” under “Currently Under Review,” then check “Only Show ICR for Public Comment” checkbox.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Carrie Clarady, 202–245–6347.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. 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. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* National Assessment of Educational Progress (NAEP) 2021 Materials Update.

*OMB Control Number:* 1850–0928.

*Type of Review:* A revision of an existing information collection.

*Respondents/Affected Public:* Individuals or Households.

*Total Estimated Number of Annual Responses:* 329,909.

*Total Estimated Number of Annual Burden Hours:* 180,233.

*Abstract:* The National Assessment of Educational Progress (NAEP), conducted by the National Center for Education Statistics (NCES), is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, civics, geography, economics, technology and engineering literacy (TEL), and the arts. The National Assessment of Educational Progress Authorization Act (Pub. L. 107–279 Title III, section 303) requires the assessment to collect data on specified student groups and characteristics, including information organized by race/ethnicity, gender, socio-economic status, disability, and limited English proficiency. It requires fair and accurate presentation of achievement data and permits the collection of background, noncognitive, or descriptive information that is related to academic achievement and aids in fair reporting of results. The intent of the law is to provide representative sample data on student achievement for the nation, the states, and subpopulations of students and to monitor progress over time. The request to conduct NAEP 2021, including operational assessments and pilot tests: Operational national/state/TUDA Digitally Based Assessments (DBA) in mathematics and reading at grades 4 and 8, and Puerto Rico in mathematics at grades 4 and 8; and operational national DBA in U.S. history and civics at grade 8 was approved in April 2020, with a further update to the materials approved in July 2020. This request is to conduct NAEP operational

assessments in 2021 and will follow the traditional NAEP design which assesses each student in 60-minutes for one cognitive subject. Given the COVID–19 outbreak, NAEP requires personal protective equipment for field staff and must plan for additional sessions given that students may attend school on a staggered schedule. NAEP was not able to secure additional funding from Congress to cover the additional costs for personal protective equipment, necessary increases in field staff, and other operational costs that would be required to assess the full sample. As such, this Amendment reflects the elimination of the national-only assessments (grade 8 U.S. History and Civics, and age 17 Long-Term Trend), a smaller sample of students within each state for reading and mathematics, and the elimination of TUDAs from the 2021 sample. This Amendment also includes the addition of an online version of the student questionnaires that will be available to sampled students who are remote and not able to be assessed in-person, as well as the addition of some questionnaire items on teacher, student, and school experiences conditioned by the COVID–19 pandemic. The final Materials Update #3 is scheduled for October of 2020. The NAEP results will be reported to the public through the Nation’s Report Card as well as other online NAEP tools.

Dated: September 4, 2020.

**Stephanie Valentine,**

*PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

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## DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0094]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Report of Dispute Resolution Under Part C of the Individuals With Disabilities Education Act

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), ED.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before October 13, 2020.