

Dated: September 25, 2001.

**Jane M. Harrison,**  
 Director, Division of Policy Review and  
 Coordination.  
 [FR Doc. 01-24466 Filed 9-28-01; 8:45 am]  
**BILLING CODE 4165-15-P**

**DEPARTMENT OF HOUSING AND  
 URBAN DEVELOPMENT**

[Docket No. FR-4650-N-70]

**Notice of Submission of Proposed  
 Information Collection to OMB; Survey  
 of Market Absorption of New  
 Apartment Buildings**

**AGENCY:** Office of the Chief Information  
 Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information  
 collection requirement described below  
 has been submitted to the Office of  
 Management and Budget (OMB) for  
 review, as required by the Paperwork  
 Reduction Act. The Department is  
 soliciting public comments on the  
 subject proposal.

**DATES:** *Comments Due Date:* October 31,  
 2001.

**ADDRESSES:** Interested persons are  
 invited to submit comments regarding  
 this proposal. Comments should refer to

the proposal by name and/or OMB  
 approval number (2528-0013) and  
 should be sent to: Joseph F. Lackey, Jr.,  
 OMB Desk Officer, Office of  
 Management and Budget, Room 10235,  
 New Executive Office Building,  
 Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**  
 Wayne Eddins, Reports Management  
 Officer, Q, Department of Housing and  
 Urban Development, 451 Seventh Street,  
 Southwest, Washington, DC 20410; e-  
 mail *Wayne\_Eddins@HUD.gov*;  
 telephone (202) 708-2374. This is not a  
 toll-free number. Copies of the proposed  
 forms and other available documents  
 submitted to OMB may be obtained  
 from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The  
 Department has submitted the proposal  
 for the collection of information, as  
 described below, to OMB for review, as  
 required by the Paperwork Reduction  
 Act (44 U.S.C. Chapter 35). The Notice  
 lists the following information: (1) The  
 title of the information collection  
 proposal; (2) the office of the agency to  
 collect the information; (3) the OMB  
 approval number, if applicable; (4) the  
 description of the need for the  
 information and its proposed use; (5)  
 the agency form number, if applicable;  
 (6) what members of the public will be  
 affected by the proposal; (7) how

frequently information submissions will  
 be required; (8) an estimate of the total  
 number of hours needed to prepare the  
 information submission including  
 number of respondents, frequency of  
 responses, and hours of response; (9)  
 whether the proposal is new, an  
 extension, reinstatement, or revision of  
 an information collection requirement;  
 and (10) the name and telephone  
 number of an agency official familiar  
 with the proposal and of the OMB Desk  
 Officer for the Department.

This Notice also lists the following  
 information:

*Title of Proposal:* Survey of Market  
 Absorption of New Apartment Building.

*OMB Approval Number:* 2528-0013.

*Form Numbers:* H-31, SOMA-1.

*Description of the Need for the  
 Information and Its Proposed Use:* The  
 Department of Housing and Urban  
 Development conducts this survey in  
 order to determine if the supply of  
 rental housing is keeping pace with  
 current future needs. Additional  
 information such as asking rent (or price  
 for condominium units) and number of  
 bedrooms is also collected. We will now  
 also begin asking availability of services  
 in "assisted living" buildings.

*Respondents:* Business or other for  
 profit.

*Frequency of Submission:* Quarterly.

	Number of Respondents	×	Frequency of Response	×	Hours per Response	=	Burden Hours
Reporting Burden: .....	12,000		4		1		4,000

*Total Estimated Burden Hours:* 4,000.  
*Status:* Reinstatement, with change.

**Authority:** Section 3507 of the Paperwork  
 Reduction Act of 1995, 44 U.S.C. 35, as  
 amended.

Dated: September 25, 2001.

**Wayne Eddins,**  
 Departmental Reports Management Officer,  
 Office of the Chief Information Officer.  
 [FR Doc. 01-24525 Filed 9-28-01; 8:45 am]  
**BILLING CODE 4210-72-M**

**DEPARTMENT OF HOUSING AND  
 URBAN DEVELOPMENT**

[Docket No. FR-4650-M-69]

**Notice of Submission of Proposed  
 Information Collection to OMB;  
 Procedure for Obtaining Certificates of  
 Insurance for Capital Program Projects**

**AGENCY:** Office of the Chief Information  
 Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information  
 collection requirement described below  
 has been submitted to the Office of  
 Management and Budget (OMB) for  
 review, as required by the Paperwork  
 Reduction Act. The Department is  
 soliciting public comments on the  
 subject proposal.

**DATES:** *Comments Due Date:* October 31,  
 2001.

**ADDRESSES:** Interested persons are  
 invited to submit comments regarding  
 this proposal. Comments should refer to  
 the proposal by name and/or OMB  
 approval number (2577-0046) and  
 should be sent to: Joseph F. Lackey, Jr.,  
 OMB Desk Officer, Office of  
 Management and Budget, Room 10235,  
 New Executive Office Building,  
 Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**  
 Wayne Eddins, Reports Management  
 Officer, Q, Department of Housing and  
 Urban development, 451 Seventh street,  
 Southwest, Washington, DC 20410; e-  
 mail *Wayne\_Eddins@HUD.gov*;

telephone (202) 708-2374. This is not a  
 toll-free number. Copies of the proposed  
 forms and other available documents  
 submitted to OMB may be obtained  
 from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The  
 Department has submitted the proposal  
 for the collection of information, as  
 described below, to OMB for review, as  
 required by the Paperwork Reduction  
 Act (44 U.S.C. Chapter 35). The Notice  
 lists the following information: (1) The  
 title of the information collection  
 proposal; (2) the office of the agency to  
 collect the information; (3) the OMB  
 approval number, if applicable; (4) the  
 description of the need for the  
 information and its proposed use; (5)  
 the agency form number, if applicable;  
 (6) what members of the public will be  
 affected by the proposal; (7) how  
 frequently information submissions will  
 be required; (8) an estimate of the total  
 number of hours needed to prepare the  
 information submission including  
 number of respondents, frequency of  
 response, and hours of responses; (9)

whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Procedure for obtaining certificates of insurance for capital program projects.

*OMB Approval Number:* 2577-0046.  
*Form Numbers:* None.

*Description of the Need for the Information and its Proposed Use:* Public Housing Agencies must obtain certificates of insurance from contractors and subcontractors before beginning work under either the development of a new low-income public housing projects or the modernization of an existing project. The certificates of insurance provide

evidence that worker's compensation and general liability, automobile liability insurance are in force before and construction work is started.

*Respondents:* Business or other for profit, State, Local or Tribal Government.

*Frequency of Submission:* On Occasion.

	Number of respondents	x	Frequency of response	x	Hours per responses	=	Burden hours
Reporting Burden: .....	3,000		4		1		12,000

*Total Estimated burden Hours* 12,000.  
*Status:* Reinstatement, without change.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 25, 2001.

**Wayne Eddins,**

*Departmental Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-24526 Filed 6-28-01; 8:45 am]

**BILLING CODE 4210-72-M**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Final Determination Against Federal Acknowledgment of the Duwamish Tribal Organization**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Final Determination.

**SUMMARY:** This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) by 209 DM 8. Pursuant to 25 CFR 83.9(h)(1978), notice is hereby given that the Assistant Secretary declines to acknowledge that the Duwamish Tribal Organization (DTO), c/o Cecile Maxwell-Hansen, 14235 Ambaum Blvd., S.W., Burien, Washington 98166, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not satisfy the criteria set forth in 25 CFR 83.7.

**DATES:** In order to reconcile the conflict between the 1978 and 1994 regulations concerning the deadlines for requesting reconsideration and the effective date of this decision, this determination is final and will become effective 90 days from publication of this notice, unless reconsideration is requested. A

petitioner or interested party may request reconsideration under the 1978 regulations 25 CFR 83.10 (a)–(d). Such a request must be filed with the Secretary of the Interior within 30 days to allow her to request, within 60 days of the publication of this notice, that the Assistant Secretary reconsider the decision. Alternatively, the petitioner and interested parties have the option under 25 CFR 83.11 (a)(1994) of requesting reconsideration before the Interior Board of Indian Appeals (IBIA). If a petitioner or interested party requests reconsideration under the 1978 regulations in time for the Secretary to act within 60 days of the date of publication of the decision, the Secretary may decide to refer the matter to the IBIA under 25 CFR 83.10(1994).

A notice of the Proposed Finding not to acknowledge the Duwamish Tribal Organization (DTO) was published in the **Federal Register** on June 28, 1996. The original 120-day comment period provided under the regulations was extended on November 4, 1996, for 120 days; on January 16, 1997, for 150 days; on July 23, 1997, for another 150 days; and on December 16, 1997, for 30 days. The petitioner requested all of these extensions. A 60-day response period commenced after the last extension as provided in the regulations and closed March 23, 1998.

On January 19, 2001, the Acting Assistant Secretary made a preliminary finding that the DTO met the seven mandatory criteria and therefore was entitled to be acknowledged as an Indian tribe within the meaning of Federal law. However, the Acting Assistant Secretary neither signed his recommended final determination nor the required three copies of the **Federal Register** notice before the change in the Administration. Notice of the final determination was not sent to the **Federal Register** before the change in the Administration because of the late

time in the day when the decision was made and because there was insufficient time to prepare and finally review for legal sufficiency all the documents necessary to make effective the Acting Assistant Secretary's proposed final determination prior to his leaving office. Until the required notice of the final determination is published in the **Federal Register**, there is no completed agency action.

Because the agency action was still pending within the Department when the new Administration was sworn in and took office, this Administration became responsible for issuing a final determination which is legally sufficient. As part of that responsibility, it was incumbent upon the new Administration to review the decision making documents. This review was also in accordance with the White House memorandum of January 20, 2001, relating to pending matters.

The Bureau of Indian Affairs' (BIA) recommended final determination was that the DTO did not meet all of the mandatory criteria under 25 CFR part 83. Although it is the policy and practice of the Department to require decisions of the Assistant Secretary—Indian Affairs to be reviewed by the Office of the Solicitor for their legal sufficiency, the Acting Assistant Secretary's proposed decision had not been reviewed by that office because of its lateness. Moreover, the Acting Assistant Secretary's proposed decision did not provide an explanation for his proposed modifications to the recommended decision. Therefore, having completed a review of the decision making documents which did have Solicitor's Office review as to their legal sufficiency, the Assistant Secretary concurs with the recommendation of the BIA and publishes this notice of the final determination that the DTO has not submitted sufficient evidence to meet criteria 83.7 (a), (b), and (c), and