

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 17, 2004, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (Stafford Act), in a letter to Michael D. Brown, Under Secretary for Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security as follows:

I have determined that the damage in certain areas of the State of West Virginia, resulting from severe storms, flooding, and landslides on September 16-27, 2004, is of sufficient severity and magnitude that special conditions are warranted regarding the cost sharing arrangements concerning Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act).

Therefore, I amend my declaration of September 20, 2004, to authorize Federal funds for Public Assistance Categories A and B (debris removal and emergency protective measures) at 100 percent of total eligible costs for emergency work performed for a selected period of up to 72 hours. Only work performed during the selected 72-hour period will be reimbursed at 100 percent. Each applicant may select its own 72-hour periods and the periods may be different for Categories A and B. The 72 hours must be one continuous period within a window starting at 12:01 a.m. of the first day of the incident period through 11:59 p.m. of the fourteenth full day following the declaration.

This adjustment to State and local cost sharing applies only to debris removal and emergency protective measures (Categories A and B) under the Public Assistance program costs eligible for such adjustments under the law. The law specifically prohibits a similar adjustment for funds provided to States for Other Needs Assistance (Section 408), and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

Please notify the Governor of West Virginia and the Federal Coordinating Officer of these amendments to my major disaster declarations.

This cost share is effective as of the date of the President's major disaster declaration.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 04-28472 Filed 12-28-04; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4955-N-02]

Emergency Capital Repair Grants for Multifamily Housing Projects Designated for Occupancy by the Elderly; Supplemental Notice

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: On December 16, 2004, HUD published a notice announcing the availability of up to \$10 million in grant funds to make emergency capital repairs to eligible multifamily projects that are owned by private nonprofit entities and designated for occupancy by elderly tenants. The December 16, 2004, notice provides instructions for owners to request the funding and instructions for the HUD field offices to process the request. This notice supplements the December 16, 2004, notice by providing additional information regarding the information collection requirements contained in that notice and republishes Appendix 1, the Rental Use Agreement.

DATES: *Effective Date:* This notice does not change the effective date of HUD's December 16, 2004, notice, which was effective upon publication.

FOR FURTHER INFORMATION CONTACT:

Aretha Williams, Director, Grant Policy and Management Division, Office of

Housing, Room 6142, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone 202-708-3000 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION: On December 16, 2004 (69 FR 75418), HUD published a notice announcing the availability of up to \$10 million in grant funds to make emergency capital repairs to eligible multifamily projects that are owned by private nonprofit entities and designated for occupancy by elderly tenants. The capital repair needs must relate to items that present an immediate threat to the health, safety, and quality of life of the tenants. The intent of these grants is to provide one-time assistance for emergency items that could not be absorbed within the project's operating budget, and where the tenants continued occupancy in the immediate near future would be called into question by a delay in initiating the proposed cure. The notice provides instructions for owners to request the funding and instructions for the HUD field offices to process the request.

This notice supplements the December 16, 2004, notice by providing the following additional information regarding the information collection requirements contained in that notice. Specifically, HUD wishes to advise the public that the information collection requirements contained in the December 16, 2004, notice have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and OMB approval is pending. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Accordingly, HUD is republishing Appendix 1, the Rental Use Agreement. Once provided, HUD will announce the OMB control number to the public.

Dated: December 22, 2004.

Aaron Santa Anna,

Assistant General Counsel for Regulations.

OMB Approval No: pending
Exp. Date: pending

<p style="text-align: center;">U.S. Department of Housing and Urban Development Office of Housing Emergency Capital Repair Grants For Multifamily Housing Projects</p>	<p style="text-align: right;">OMB Approval No: pending Expiration date: pending</p>
<p>Public reporting burden for this collection of information is estimated to average 1 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.</p>	

Appendix 1

PROJECT NAME: _____

FHA PROJECT NO: _____

CITY, STATE: _____

RENTAL USE AGREEMENT

This Agreement is made and entered into this _____ day of _____, 2004, by and between the Secretary of Housing and Urban Development acting by and through the Federal Housing Commissioner, and _____ (Mortgagor).

The owner has entered into an agreement with the Commissioner to maintain the property as rental housing for the elderly for the remainder of the specified _____-year period;

The Commissioner has determined that continuation of the property as rental housing is clearly necessary to assure adequate rental housing opportunity for low and moderate-income elderly tenants.

WHEREAS, the owner has requested an Emergency Capital Repair Grant to make emergency capital repairs to the property.

WHEREAS, the owner is willing to agree to maintain the subject property as an affordable rental property until _____.

WHEREAS, in the event the owner chooses to sell, prepay, or transfer the property during the period of time this Use Agreement is in effect, it will require as a condition that the purchaser will commit to maintain the property pursuant to the terms of this Use Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the parties agree as follows:

1. The execution and recording of this Agreement shall constitute HUD's approval of the Emergency Capital Repair Grant.
2. The owner agrees that during the period that it owns the property, it will maintain the property as affordable rental housing until _____. During such period, should the property be sold, the Purchaser shall not market project dwelling units for any purpose other than affordable rental housing for the elderly.
3. The provisions of this Agreement shall be binding upon the heirs, successors and assigns of the owner and Purchaser (if sold).

OMB Approval No: pending
Exp. Date: pending

- 4. The provisions of this Agreement relating to the rental use of the property shall run with the land and shall be binding for the benefit of, in favor of and enforceable by the Secretary and his successors in office. The Secretary and his successors in office and/or any third-party beneficiary shall be entitled to (a) institute legal action to enforce performance and observance of, (b) enjoin any actions which are violative of, and (c) exercise any other legal or equitable right or remedy with respect to such provisions. For the purpose of these covenants, a third-party beneficiary shall be any person eligible for occupancy in the rental project insured pursuant to the provisions of the applicable program for the elderly. These rights and remedies will be exercised separately or in combination.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

ATTEST

OWNER

TITLE

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT

By: Director, Multifamily
Hub/Program Center

COUNTY OF _____

STATE OF _____

OMB Approval No: pending
Exp. Date: pending

On this _____ day of _____, 2004 before me, the undersigned, officer, personally appeared _____ who acknowledged himself /herself to the _____ of _____, and that as such _____, being authorized to do so, executed the within Agreement for the purpose therein contained by signing the name of said partnership by himself/herself as _____.

WITNESS my hand and Notary seal the day and year aforesaid.

SEAL

Notary Public

My Commission expires _____

COUNTY OF _____

STATE OF _____

[FR Doc. 04-28441 Filed 12-28-04; 8:45 am]

BILLING CODE 4210-27-C

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

Notice of Availability, Draft Restoration Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, U.S. Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service), on behalf of the U.S. Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), and New York State Department of Environmental Conservation (New York), as natural resource trustees, announces the release for public review of the Draft Restoration Plan and Environmental Assessment (RP/EA) for the Love Canal, 102nd Street, and Forest Glen Mobile Home Subdivision Superfund sites. The Draft RP/EA presents a preferred alternative, consisting of a variety of restoration projects, that compensates for impacts to natural resources caused by contaminant releases and remedial activities associated with the three mentioned sites.

DATES: Written comments must be submitted on or before February 15, 2005.

ADDRESSES: Requests for copies of the RP/EA may be made to: U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

Written comments or materials regarding the RP/EA should be sent to the same address.

FOR FURTHER INFORMATION CONTACT:

Anne L. Secord, Environmental Contaminants Program, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045. Interested parties may also call 607-753-9334 or e-mail Anne_Secord@fws.gov for further information.

SUPPLEMENTARY INFORMATION: During the period of March 1996 through December 2000, natural resource damage settlements were achieved for the Love Canal, 102nd Street, and Forest Glen Mobile Home Subdivision Superfund sites. NOAA was a settling Trustee with DOI on all three settlements; the State of New York was a settling Trustee for the 102nd Street and Forest Glen settlements. These three sites discharged a variety of hazardous chemicals into wetlands, uplands,

streams, and rivers in Niagara County, including the Niagara River, Cayuga Creek, East Gill Creek, Bergholtz Creek, and Black Creek. Chemical releases and remedial activities at the three sites adversely affected natural resources such as warmwater fish, migratory birds, amphibians, and reptiles. The funds available from these settlements for restoration activities total approximately \$1.3 million.

A combined restoration initiative is proposed to allow for a larger, more effective and meaningful resource restoration.

The RP/EA is being released in accordance with the Compensation, and Liability Comprehensive Environmental Response Act (CERCLA) of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*), the Natural Resource Damage Assessment Regulations found at 43 CFR part 11, and the National Environmental Policy Act. It is intended to describe the Trustees' proposals to restore natural resources injured at the sites and evaluate the potential impacts of each.

The RP/EA describes a number of habitat restoration and protection alternatives and discusses the environmental consequences of each. Restoration efforts which have the greatest potential to restore natural resources and services that were injured by contaminants or remedial activities are preferred. Based on an evaluation of the various restoration alternatives, the preferred alternative consists of a suite of restoration projects, including wetland restoration and protection, grassland restoration, stream restoration, urban stream/river restoration, common tern habitat restoration, walleye propagation, oak savannah restoration, and further contaminant characterization.

Interested members of the public are invited to review and comment on the RP/EA. Copies of the RP/EA are available for review at the Service's New York Field Office at 3817 Luker Road, Cortland, New York. Additionally, the RP/EA will be available for review at the following Web site (<http://nyfo.fws.gov>) and at the Niagara Falls Library. Written comments will be considered and addressed in the final RP/EA at the conclusion of the restoration planning process.

Comments, including names and home addresses of respondents, will be available for public review during regular business hours. Individual respondents may request confidentiality. If you wish us to withhold your name and or address from public review or from disclosure under the Freedom of Information Act,

you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Author: The primary author of this notice is Anne Secord, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

Authority: The authority for this action is the CERCLA of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*), and the Natural Resource Damage Assessment Regulations found at 43 CFR part 11.

Dated: November 30, 2004.

Dawn Comish,

Acting Regional Director, Region 5, U.S. Fish and Wildlife Service, U.S. Department of the Interior, DOI Designated Authorized Official.

[FR Doc. 04-28498 Filed 12-28-04; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Amendment to Approved Tribal-State Compact.

SUMMARY: This notice publishes the Approval of the Amendment to the Tribal-State Compact between the Puyallup Tribe of Indians and the State of Washington.

EFFECTIVE DATE: December 29, 2004.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Deputy Principal Assistant Secretary—Indian Affairs, Department of Interior, through his delegated authority, has approved the Third Amendment to the Tribal-State Compact for Class III Gaming between