

**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.

A Public Housing Agency (PHA) which is designated troubled or substandard under the Public Housing Assessment System (PHAS) must enter into a Memorandum of Agreement (MOA) with HUD to outline its planned improvements. Similarly, a PHA which is a standard performer, but receives a total PHAS score of less than 70% but not less than 60% is required to submit an improvement Plan (IP). These plans are designed to address deficiencies in a PHA's operations found through the PHAS assessment process (management, financial, physical, or resident related) and any other deficiencies identified by HUD through independent assessments or other methods.

**DATES:** *Comments Due Date:* November 26, 2007.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2577-0237) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:**

Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian\_L\_Deitzer@HUD.gov* or telephone (202) 402-8048. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm*.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (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; (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 collection techniques or

other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

*Title of Proposal:* Public Housing Assessment System (PHAS) Memorandum of Agreement (MOA), MOA Monthly Report, and Improvement Plan (IP).

*OMB Approval Number:* 2577-0237.

*Form Numbers:* Forms HUD-53336-A, 53336-Bi, 53336-B, 53337, 53337i and 53338.

*Description of the Need for the Information and Its Proposed Use:* A Public Housing Agency (PHA) which is designated troubled or substandard under the Public Housing Assessment System (PHAS) must enter into a Memorandum of Agreement (MOA) with HUD to outline its planned improvements. Similarly, a PHA which is a standard performer, but receives a total PHAS score of less than 70% but not less than 60% is required to submit an improvement Plan (IP). These plans are designed to address deficiencies in a PHA's operations found through the PHAS assessment process (management, financial, physical, or resident related) and any other deficiencies identified by HUD through independent assessments or other methods.

*Frequency of Submission:* Monthly, Quarterly, Other When designated troubled.

	Number of respondents	×	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden .....	375		1		85.093		31,910

*Total Estimated Burden Hours:* 31,910.

*Status:* Extension of a currently approved collection.

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

Dated: October 18, 2007.

**Lillian L. Deitzer,**

*Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.*

[FR Doc. E7-21023 Filed 10-24-07; 8:45 am]

**BILLING CODE** 4210-67-P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5103-N-02]

**Notice of Certain Operating Cost Adjustment Factors for 2008**

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

**ACTION:** Publication of the 2008 Operating Cost Adjustment Factors (OCAFs) for in some instances adjusting and in others establishing Section 8 rents under the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA), as amended, and under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) Projects assisted with Section 8 Housing Assistance Payments.

**SUMMARY:** This notice establishes annual factors used in calculating renewal rents and rent adjustments under certain provisions of MAHRA and LIHPRHA.

**DATES:** *Effective Date:* February 11, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Judith May, Director, Office of Evaluation, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 402-3239 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:**

**I. Operating Cost Adjustment Factors (OCAFs)**

Section 514(e)(2) of MAHRA requires HUD to establish guidelines for rent adjustments based on an operating cost adjustment factor (OCAF). The legislation requiring HUD to establish OCAFs for LIHPRHA projects and projects with contract renewals or adjustments under section 524 of MAHRA is similar in wording and intent. HUD has therefore developed a single factor to be applied uniformly to all projects utilizing OCAFs as the method by which renewal rents are established or adjusted.

Additionally, MAHRA gives HUD broad discretion in setting OCAFs—referring, for example, in sections 524(a)(4)(C)(i), 524(b)(1)(A), 524(b)(3)(A) and 524(c)(1) simply to “an operating cost adjustment factor established by the Secretary.” The sole limitation to this grant of authority is a specific requirement in each of the foregoing provisions that application of an OCAF “shall not result in a negative adjustment.” OCAFs are to be applied uniformly to all projects utilizing OCAFs as the method by which rents are established or adjusted. OCAFs are applied to project contract rent less debt service.

In prior years, HUD developed OCAFs by combining price change indices for nine categories of project operating costs derived mostly from national data—only three of the nine price change indices were available at the state level. Furthermore, several of the price indices used to develop past OCAFs were indirect measures of project operating costs. For FY 2008, HUD has decided to develop OCAFs from the most current actual project operating cost data at the state level, and this eliminates the need to break the costs into categories and to rely on national data which serve as surrogate measures for project operating costs.

Extensive research into the OCAF methodology determined that HUD’s administrative data provides the best source of data detailing the operating costs experienced by properties submitting financial statement reports to HUD. Therefore, in order to more closely align OCAFs with actual changes in operating expenses as reported to HUD by those properties filing Annual Financial Statement (AFS) data, HUD is using the AFS information as the basis for FY 2008 OCAFs.

Specifically, HUD calculated the average, per unit, change in operating costs (excluding debt service and bad debt expense), by state, for all projects submitting consecutive valid financial

statement reports with Fiscal Year end dates between July 31, 2005 and July 31, 2007. The projects comprise all multifamily properties excluding nursing homes and hospitals. Furthermore, data for projects with unusually high or low expenses due to unusual circumstances were deleted from the analysis. These changes in actual operating costs experienced by properties within HUD’s portfolio have become the FY 2008 OCAFs.

OCAFs continue to be published at the state level. States are the lowest level of geographical aggregation at which there are enough projects to permit statistically reliable analysis. Additionally, no data were available for the Western Pacific Islands. Data for Hawaii was therefore used to generate OCAFs for these areas.

**II. MAHRA and LIHPRHA OCAF Procedures**

MAHRA, as amended, created the Mark-to-Market Program to reduce the cost of Federal housing assistance, enhance HUD’s administration of such assistance, and to ensure the continued affordability of units in certain multifamily housing projects. Section 524 of MAHRA authorizes renewal of Section 8 project-based assistance contracts for projects without Restructuring Plans under the Mark-to-Market Program, including projects that are not eligible for a Plan and those for which the owner does not request a Plan. Renewals must be at rents not exceeding comparable market rents except for certain projects. As an example, for Section 8 Moderate Rehabilitation projects, other than single room occupancy projects (SROs) under the McKinney-Vento Homeless Assistance Act (McKinney Act, 42 U.S.C. 11301 *et seq.*), that are eligible for renewal under section 524(b)(3) of MAHRA, the renewal rents are required to be set at the lesser of: (1) The existing rents under the expiring contract, as adjusted by the OCAF; (2) fair market rents (less any amounts allowed for tenant-purchased utilities; or (3) comparable market rents for the market area.

LIHPRHA (see, in particular, section 222(a)(2)(G)(i), 12 U.S.C. 4112 (a)(2)(G) and the regulations at 24 CFR 248.145(a)(9)) require that future rent adjustments for LIHPRHA projects be made by applying an annual factor to be determined by the Secretary to the portion of project rent attributable to operating expenses for the project and, where the owner is a priority purchaser, to the portion of project rent attributable to project oversight costs.

**III. Findings and Certifications**

*Environmental Impact*

This issuance sets forth rate determinations and related external administrative requirements and procedures that do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

*Executive Order 13132, Federalism*

This final rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of Executive Order 13132 (entitled “Federalism”).

*Catalog of Federal Domestic Assistance Number*

The Catalog of Federal Domestic Assistance Number for this program is 14.187.

Dated: October 17, 2007.

**Brian D. Montgomery,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

**Appendix—Operating Cost Adjustment Factors for 2008**

	Percent
ALABAMA .....	5.0
ALASKA .....	3.9
ARIZONA .....	6.8
ARKANSAS .....	6.8
CALIFORNIA .....	5.3
COLORADO .....	2.7
CONNECTICUT .....	3.5
DELAWARE .....	8.2
DIST. OF COLUMBIA .....	6.8
FLORIDA .....	7.0
GEORGIA .....	3.5
HAWAII .....	9.2
IDAHO .....	6.1
ILLINOIS .....	3.4
INDIANA .....	2.6
IOWA .....	3.7
KANSAS .....	3.8
KENTUCKY .....	3.6
LOUISIANA .....	5.7
MAINE .....	8.0
MARYLAND .....	4.3
MASSACHUSETTS .....	4.7
MICHIGAN .....	2.8
MINNESOTA .....	0.5
MISSISSIPPI .....	5.7
MISSOURI .....	2.9
MONTANA .....	3.4
NEBRASKA .....	1.8
NEVADA .....	7.3
NEW HAMPSHIRE .....	3.0
NEW JERSEY .....	4.6
NEW MEXICO .....	1.5
NEW YORK .....	2.7

	Percent
N. CAROLINA .....	4.8
N. DAKOTA .....	1.6
OHIO .....	2.6
OKLAHOMA .....	4.2
OREGON .....	3.3
PENNSYLVANIA .....	3.6
RHODE ISLAND .....	3.2
S. CAROLINA .....	5.5
S. DAKOTA .....	2.2
TENNESSEE .....	3.7
TEXAS .....	5.1
UTAH .....	2.2
VERMONT .....	0.9
VIRGINIA .....	5.3
WASHINGTON .....	6.0
W. VIRGINIA .....	3.1
WISCONSIN .....	3.2
WYOMING .....	5.2
PACIFIC ISLANDS .....	9.2
PUERTO RICO .....	7.4
VIRGIN ISLANDS .....	6.6
U.S. AVERAGE .....	4.1

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Information Collection Sent to the Office of Management and Budget (OMB) for Approval; OMB Control Number 1018-0070; Incidental Take of Marine Mammals During Specified Activities**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice; request for comments.

**SUMMARY:** We (Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. The ICR, which is summarized below, describes the nature of the collection and the estimated burden and cost. This ICR is scheduled to expire on October 31, 2007. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

**DATES:** You must submit comments on or before November 26, 2007.

**ADDRESSES:** Send your comments and suggestions on this ICR to the Desk Officer for the Department of the Interior at OMB-OIRA at (202) 395-6566 (fax) or OIRA\_DOCKET@OMB.eop.gov (e-mail). Please provide a copy of your comments to Hope Grey, Information Collection Clearance Officer, Fish and Wildlife Service, MS 222-ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203 (mail); (703) 358-2269 (fax); or hope\_grey@fws.gov (e-mail).

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this IC, contact Hope Grey by mail, fax, or e-mail (see ADDRESSES) or by telephone at (703) 358-2482.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 1018-0070.

*Title:* Incidental Take of Marine Mammals During Specified Activities, 50 CFR 18.27 and 50 CFR 18, Subpart J.

*Service Form Numbers:* None.

*Type of Request:* Revision of currently approved collection.

*Affected Public:* Oil and gas industry companies.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

Activity	Number of annual respondents	Number of annual responses	Completion time per response	Annual burden hours
One-time application for procedural regulations .....	1 (per term of regulations)	1	300 hours .....	300
LOA requests .....	10	12	24 hours .....	288
Onsite monitoring and observation reports .....	10	72	1.5 hours .....	108
Final monitoring report .....	10	12	8 hours .....	96
Totals .....	31	97	.....	792

*Abstract:* The Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1361 et seq.) imposed, with certain exceptions, a moratorium on the taking of marine mammals. Section 101(a)(5)(A) of the MMPA directs the Secretary of the Interior to allow, upon request by citizens of the United States, the taking of small numbers of marine mammals incidental to specified activities (other than commercial fishing) if the Secretary makes certain findings and prescribes specific regulations that, among other things, establish permissible methods of taking. Once we issue specific regulations, applicants seeking to conduct activities must request a Letter of Authorization (LOA) for the specific activity and submit onsite monitoring reports and a final report of the activity to the Secretary. Regulations at 50 CFR 18.27 outline the procedures and requirements for submitting a request. Specific

regulations governing authorized activities in the Beaufort Sea are in 50 CFR 18, subpart J.

*Comments:* On June 1, 2007, we published a proposed rule in the Federal Register (72 FR 30670) to establish regulations on incidental take of marine mammals in the Chukchi Sea. Because activities and requirements are nearly identical for the Beaufort and Chukchi Seas, we planned to combine the information collections in one ICR. However, we do not expect the final rule for the Chukchi Sea to publish prior to the expiration date of the information collection for the Beaufort Sea requirements, and have separated the requests for approval. This request for approval includes requirements to cover only activities in the Beaufort Sea. The proposed rule for incidental take regulations in the Chukchi Sea invited interested members of the public and affected agencies to comment on the proposed information collection and

recordkeeping activities for both the Chukchi and Beaufort Seas. The comment period was open for 60 days, and we did not receive any comments relating to the Beaufort Sea information collection requirements.

We again invite comments concerning this information collection on:

- (1) whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- (2) the accuracy of our estimate of the burden for this collection of information;
- (3) ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, e-mail address,