

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

**Nancy Ward,**

*Acting Administrator, Federal Emergency Management Agency.*

[FR Doc. E9-5233 Filed 3-10-09; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-1820-DR; Docket ID FEMA-2008-0018]

#### Oklahoma; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Oklahoma (FEMA-1820-DR), dated February 15, 2009, and related determinations.

**DATES:** *Effective Date:* February 25, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3886.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include Public Assistance in the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 15, 2009.

Carter County for Public Assistance, including direct Federal assistance, (already designated for Individual Assistance).

Coal and Love Counties for Public Assistance, including direct Federal assistance.

(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; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

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*Acting Administrator, Federal Emergency Management Agency.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5285-N-05]

### Notice of Proposed Information Collection: Comment Request; Mortgagee's Certification of Fees and Escrow

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

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be 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:* May 11, 2009.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail [Lillian\\_L\\_Deitzer@HUD.gov](mailto:Lillian_L_Deitzer@HUD.gov) or telephone (202) 402-8048.

**FOR FURTHER INFORMATION CONTACT:**

Joyce Allen, Director, Office of Multifamily Development, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708-1142 (this is not a toll free number) for copies of the proposed forms and other available information.

**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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 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:* Mortgagee's Certificate.

*OMB Control Number, if applicable:* 2502-0468.

*Description of the need for the information and proposed use:* The information collection is used by Mortgagees to ensure that fees are within acceptable limits and the required escrows will be collected. HUD determines the reasonableness of the fees and uses the information in calculating the financial requirement for closing.

*Agency form numbers, if applicable:* HUD-2434.

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* The number of burden hours is 750. The number of respondents is 1,000. The estimated number of annual responses is 1,000. The frequency of each response is once for each application submitted for mortgage insurance.

*Status of the proposed information collection:* This is an extension of a currently approved collection.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 4, 2009.

**Ronald Spraker,**

*Deputy Assistant Secretary for Finance and Budget.*

[FR Doc. E9-5125 Filed 3-10-09; 8:45 am]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5291-N-02]

### Privacy Act of 1974; Notice of a Computer Matching Program Between the Department of Housing and Urban Development (HUD) and the Social Security Administration (SSA): Matching Tenant Data in Assisted Housing Programs

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

**ACTION:** Notice of a computer matching program between HUD and SSA.

**SUMMARY:** Pursuant to the Computer Matching and Privacy Protection Act of 1988, as amended, and the Office of Management and Budget's (OMB) Guidance on the statute (5 U.S.C. 552a, as amended), HUD is notifying the public of its intent to enter into a new computer matching program with SSA in May 2009. HUD will obtain SSA data and make the results available to (1) program administrators such as public housing agencies (PHAs) and private owners and management agents (O/As) to enable them to verify the accuracy of income reported by the tenants (participants) of HUD rental assistance programs and (2) contract administrators (CAs) overseeing and monitoring O/A operations as well as independent public auditors (IPAs) that audit both PHAs and O/As. SSA data will also be used to validate information provided by borrowers and co-borrowers applying for and obtaining insurance for Federal Housing Administration (FHA) mortgages.

Administrators of HUD rental assistance programs rely upon the accuracy of tenant-reported income to determine participant eligibility for and level of, rental assistance. The computer matching program will provide indicators of potential under-reported tenant income that will require additional verification to identify inappropriate (excess or insufficient) rental assistance, and perhaps administrative or legal actions. The matching program will be carried out to detect inappropriate (excessive or insufficient) rental assistance under sections 221(3), 221(d)(5), and 236 of the National Housing Act, the United States Housing Act of 1937, section 101 of the Housing and Community Development Act of 1965, section 202 of the Housing Act of 1959, section 811 of the Cranston-Gonzalez National Affordable Housing Act, the Native American Housing Assistance and Self-Determination Act of 1996, and the Quality Housing and Work Responsibility Act (QHWRA) of 1998. The program will also provide for verification of Social Security numbers (SSNs) for tenants participating in covered rental assistance programs, and borrowers and co-borrowers applying for mortgage insurance for FHA loans through HUD. This Notice provides an overview of computer matching for HUD's rental assistance programs. Specifically, the Notice describes HUD's program for computer matching of its tenant data to SSA's death data, Social

Security (SS) and Supplemental Security Income (SSI) benefits data.

**DATES:** *Effective Date:* Computer matching is expected to begin *April 10, 2009*, unless comments are received which will result in a contrary determination, or 40 days from the date a computer matching agreement is signed, whichever is later.

*Comments Due Date:* April 10, 2009.

**ADDRESSES:** Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410-0500. Communications should refer to the above docket number and title. Comments sent by facsimile are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

**FOR FURTHER INFORMATION CONTACT:** For Privacy Act inquires: Office of the Chief Information Officer, contact Donna Robinson-Staton, Departmental Privacy Act Officer, HUD, 451 Seventh Street, SW., Room 2256, Washington, DC 20410, telephone number (202) 402-8073. For program information: Office of Public and Indian Housing, contact Nicole Faison, Director of the Office of Public Housing Programs, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4226, Washington, DC 20410, telephone number (202) 708-0744; Office of Housing, contact Gail Williamson, Director of the Housing Assistance Policy Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6138, Washington, DC 20410, telephone number (202) 402-2473. (These are not toll free telephone numbers). A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at (800) 877-8339 (Federal Information Relay Service).

**SUPPLEMENTARY INFORMATION:** This Notice supersedes a similar notice published in the **Federal Register** (FR) on October 5, 2006 at 71 FR 58871. The Computer Matching and Privacy Protection Act (CMPPA) of 1988, an amendment to the Privacy Act of 1974 (5 U.S.C. 552a), OMB's guidance on this statute entitled "Final Guidance Interpreting the Provisions of Public Law 100-503, the CMPPA of 1988" (OMB Guidance), and OMB Circular No. A-130 requires publication of notices of computer matching programs. Appendix I to OMB's Revision of Circular No. A-130, "Transmittal Memorandum No. 4,

Management of Federal Information Resources," prescribes Federal agency responsibilities for maintaining records about individuals. In compliance with the CMPPA and Appendix I to OMB Circular No. A-130, copies of this notice are being provided to the Committee on Government Reform and Oversight of the House of Representatives, the Committee of Homeland Security and Governmental Affairs of the Senate, and OMB's Office of Information and Regulatory Affairs.

## I. Authority

This matching program is being conducted pursuant to the Privacy Act of 1974 (5 U.S.C 552a); 542(b) of the 1998 Appropriations Act (Pub. L. 105-65); section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544); section 165 of the Housing and Community Development Act of 1987 (42 U.S.C. 3543); the National Housing Act (12 U.S.C. 1701-1750g); the United States Housing Act of 1937 (42 U.S.C. 1437-1437z); section 101 of the Housing and Community Development Act of 1965 (12 U.S.C. 1701s); the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*); and the QHWRA Act of 1998 (42 U.S.C. 1437a(f)). The Housing and Community Development Act of 1987 authorizes HUD to require participants (and applicants) in HUD-administered programs involving loan and rental assistance to disclose to HUD their social security numbers (SSNs) as a condition of continuing (or initial) eligibility for participation in the programs. The QHWRA of 1998, section 508(d), 42 U.S.C. 1437a(f) authorizes the Secretary of HUD to require disclosure by the tenant to the PHA of income information received by the tenant from HUD as part of the income verification procedures of HUD. The QHWRA was amended by Public Law 106-74, which extended the disclosure requirements to participants in section 8, section 202, and section 811 assistance programs. The participants are required to disclose the HUD-provided income information to owners responsible for determining the participant's eligibility or level of benefits.

## II. Covered Programs

This Notice of computer matching program applies to the following rental assistance programs:

- A. Public Housing.
- B. Section 8 Housing Choice Voucher (HCV).
- C. Project-based Section 8.
  1. New Construction.
  2. State Agency Financed.

- 3. Substantial Rehabilitation.
- 4. Section 202/8.
- 5. Rural Housing Services Section 515/8.
- 6. Loan Management Set-Aside (LMSA).
- 7. Property Disposition Set-Aside (PDSA).
- D. Rent Supplement.
- E. Rental Assistance Payment (RAP).
- F. Section 202/162 Project Assistance Contract (PAC).
- G. Section 202 Project Rental Assistance Contract (PRAC).
- H. Section 811 PRAC.
- I. Section 236.
- J. Section 221(d)(3) Below Market Interest Rate (BMIR).

**Note:** This Notice does not apply to the Low Income Housing Tax Credit (LIHTC) or the Rural Housing Services Section 515 without Section 8 programs.

### III. Objectives To Be Met by the Matching Program

HUD's primary objective in implementing the computer matching program is to verify the income of individuals participating in the rental assistance programs identified in paragraph II above to determine the appropriate level of rental assistance, and to detect, deter, reduce and correct fraud and abuse in rental assistance programs. In meeting this objective, HUD also is carrying out its responsibility under 42 U.S.C. 1437f(K) to ensure that income data provided to POAs by household members is complete and accurate. HUD's various assisted housing programs, administered through POAs, require that applicants and participants meet certain income and other criteria to be eligible for rental assistance. In addition, tenants generally are required to report the amounts and sources of their income at least annually. However, under the QHWRA of 1998, PHAs must offer public housing tenants the option to pay a flat rent, or an income-based rent annually. Those tenants who select a flat rent will be required to recertify income at least every three years. In addition, the Changes to the Admissions and Occupancy Final Rule (March 29, 2000; 65 FR 16692) specified that household composition must be recertified annually for tenants who select a flat rent or income-based rent.

Other objectives of this computer matching program include: (1) Increasing the availability of rental assistance to individuals who meet the requirements of the rental assistance programs; (2) after removal of personal identifiers, conducting analyses of the Social Security death data and benefit

information, and income reporting of program participants; and (3) measure improper payments due to under-reporting of income and/or overpayment of subsidy on behalf of deceased program participants (single member households).

### III. Program Description

In this computer matching program, tenant-provided information included in HUD's automated systems of records known as *Tenant Rental Assistance Certification System* (TRACS) (HUD/H-11) and the Inventory Management System (IMS), formerly known as the *Public and Indian Housing Information Center* (PIC) (HUD/PIH-4), will be compared to data from SSA databases. The notices for these systems were published at 62 FR 11909 and 73 FR 58256, respectively. HUD will disclose to SSA only tenant personal identifiers, *i.e.*, full name, Social Security number, and date of birth. SSA will match the HUD-provided personal identifiers to personal identifiers included in their various systems of records identified in Section IV of this notice. SSA will validate HUD-provided personal identifiers and provide income data to HUD only for individuals with matched personal identifiers. SSA will also provide the date of death or indication of death for any program participant whose HUD-supplied personal identifiers are successfully matched against SSA databases. For any individual whose personal identifiers do not match the personal identifiers in the SSA database, SSA will provide HUD with an error message, which will describe the reason(s) for no match (*i.e.* incorrect date of birth or surname, or invalid Social Security number).

#### A. Income Verification

Any match (*i.e.*, a "hit") will be further reviewed by HUD, the POAs, or the HUD Office of Inspector General (OIG) to determine whether the income reported by tenants to the program administrator is correct and complies with HUD and program administrator requirements. Specifically, current or prior SS and SSI benefit information and other data will be sought directly from tenants. For public housing and Section 8 tenant-based HCV programs, tenants will be required to provide PHAs with original SSA benefit verification letters dated within the last 60 days for comparison to computer matching results for accuracy. For multifamily housing programs, tenants must provide O/As with SSA benefit verification letters dated within the last 120 days. For SS and SSI benefit information for prior years, the tenant

may be required to provide POAs with an original benefit history document from SSA if there is a dispute regarding historical income information obtained through the computer matching program.

#### B. Administrative or Legal Actions

Regarding all the matching described in this notice, POAs will take appropriate action in consultation with tenants to: (1) Resolve income disparities between tenant-reported and SSA-reported data; and (2) Use correct income amounts in determining rental assistance.

POAs must compute the rent in full compliance with all applicable statutes, regulations and administrator policies. POAs must ensure that they use the correct income and correctly compute the rent. In order to protect any individual whose records are used in this matching program, POAs may not suspend, terminate, reduce, or make a final denial of any rental assistance to any tenant, or take other adverse action against the tenant as a result of information produced by this matching program until: (a) The tenant has received notice from the POA of its findings and has been informed of the opportunity to contest such findings; (b) The POA has independently verified the information; and (c) either the notice period provided in applicable regulations of the program, or 30 days, whichever is later, has expired. "Independently verified" in item (b) means the specific information relating to the tenant that is used as a basis for an adverse action has been investigated and confirmed by the POA. (5 U.S.C. 552a) As such, POAs must resolve income discrepancies in consultation with tenants. Additionally, serious violations, which POAs, HUD Program staff, or the HUD OIG verify, should be referred for full investigation and appropriate civil and/or criminal proceedings.

With respect to SSA-provided error messages regarding HUD-provided tenant, and matched borrower or co-borrower personal identifiers, the POA and FHA administrator/agent will confirm its file and system documentation to confirm accuracy of data elements, and make any necessary corrections. If there is no error in the documentation, the POAs and FHA administrators/agents will notify the individual of the error and request that the individual contact the SSA to correct any SSA data errors. POAs and FHA administrators/agents cannot correct such errors.

#### IV. Records To Be Matched

SSA will conduct the matching of tenant SSNs and additional identifiers (surnames and dates of birth) to tenant data that HUD supplies from its systems of records known as the Tenant Rental Assistance Certification System (TRACS) (HUD/H-11) and the *Inventory Management System (IMS)*, formerly known as the *Public and Indian Housing Information Center (PIC)* (HUD/PIH-4). Program administrators utilize the form HUD-50058 module within the PIC system and the form HUD-50059 module within the TRACS to provide HUD with the tenant data.

SSA will match the tenant records included in HUD/H-11 and HUD/PIH-4 to their systems of records known as SSA's *Master Files of Social Security Number Holders, and SSN Applications* (60-0058), *Master Beneficiary Record* (60-0090), and *Supplemental Security Income Record* (60-103). The notice for these systems was published at 71 FR 1795 on January 11, 2006. HUD will place the resulting matched data into its *Enterprise Income Verification (EIV) system* (HUD/PIH-5). The notice for this system was initially published at 70 FR 41780 on July 20, 2005, and amended on August 8, 2006 (71 FR 45066) to reflect changes in the following categories (sections): Individuals Covered by the System, Records in the System, Authority for Maintenance of the System, Purpose of the System and the Routine Uses. The tenant records (one record for each family member) include these data elements: full name, SSN, and date of birth.

HUD data will also be matched to the SSA's *Master Files of Social Security Number Holders, and SSN Applications* (60-0058) for the purpose of validating SSNs of borrowers and co-borrowers of FHA mortgages and participants of HUD rental assistance programs to identify noncompliance with program eligibility requirements. The Computerized Homes Underwriting Management System (HUD/H-5), published at 57 FR 62142 on December 29, 1997 is the HUD FHA system of records used to match data transferred from SSA's Master Files of Social Security Number Holder and SSN Applications (60-0058) to the HUD mainframe. Mortgagees enter SSN data and review the returning verification/failure data through the FHA Connection. HUD will compare tenant SSNs provided by POAs to reveal duplicate SSNs and potential duplicate rental assistance.

#### V. Period of the Match

The computer matching program will be conducted according to the computer

matching agreement between HUD and the SSA. The computer matching agreement for the planned matches will terminate either when the purpose of the computer matching program is accomplished, or 18 months from the date the agreement is signed, whichever comes first. The agreement may be extended for one 12-month period, with the mutual agreement of all involved parties, if the following conditions are met:

(1) Within three months of the expiration date, all Data Integrity Boards review the agreement, find that the program will be conducted without change, and find a continued favorable examination of benefit/cost results; and (2) All parties certify that the program has been conducted in compliance with the agreement.

The agreement may be terminated, prior to accomplishment of the computer matching purpose or 18 months from the date the agreement is signed (whichever comes first), by the mutual agreement of all involved parties within 30 days of written notice.

Dated: March 3, 2009.

**Lynn Allen,**

*Acting Chief Information Officer.*

[FR Doc. E9-5127 Filed 3-10-09; 8:45 am]

**BILLING CODE 4210-67-P**

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#### DEPARTMENT OF THE INTERIOR

##### Fish and Wildlife Service

[FWS-R2-ES-2009-N0026;20124-1113-0000-F3]

##### Environmental Restoration Project; Phoenix Reach of the Rio Salado

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

**ACTION:** Notice of availability of draft safe harbor agreement; receipt of application for and enhancement of survival permit.

**SUMMARY:** The City of Phoenix (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to Section 10(a)(1)(A) of the Endangered Species Act (Act), as amended. The requested permit, which is for a period of 50 years, would authorize incidental take of Yuma clapper rail (*Rallus longirostris yumanensis*), southwestern willow flycatcher (*Empidonax traillii extimus*), bald eagle (*Haliaeetus Leucocephalus*), and brown pelican (*Pelecanus occidentalis*) as a result of operation and maintenance activities associated with the Rio Salado Project. We invite the

public to review and comment on the permit application and the associated draft Safe Harbor Agreement (SHA).

**DATES:** To ensure consideration, we must receive any written comments on or before April 10, 2009.

**ADDRESSES:** Field Supervisor, Arizona Ecological Services Field Office, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021-4951; telephone: 602-242-0210; fax: 602-242-2513; Web site: <http://www.fws.gov/arizonaes>.

**FOR FURTHER INFORMATION CONTACT:**

Mike Martinez at the Arizona Ecological Services Field Office, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021-4951, 602/242-0210 x224, or by e-mail at [Mike\\_Martinez@fws.gov](mailto:Mike_Martinez@fws.gov).

**SUPPLEMENTARY INFORMATION:** The Applicant plans to conduct operation and maintenance activities associated with the Rio Salado Project including maintenance of vegetation, roads, trails, water delivery system, flood control capacity, and storm water facilities. The Rio Salado Project, Phoenix Reach, is a cooperative project between the Applicant and the U.S. Army Corps of Engineers to restore, enhance, and maintain 595 acres of native riparian and wetland vegetation along the Salt River from 24th Street to 19th Avenue.

#### Request for Public Information

Persons wishing to review the application, draft SHA, or other related documents may obtain a copy by written or telephone request to the Field Supervisor at our Phoenix office, or by downloading it from our Web site (see **ADDRESSES**). Submit all comments to the Field Supervisor at the same address. Please refer to permit number TE-205294-0 when submitting comments. The application and related documents will be available for public inspection, by appointment only, during normal business hours (8 a.m. to 4:30 p.m.) at the Phoenix office.

#### Public Availability of Comments

Before including your address, phone number, e-mail 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 us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### National Environmental Policy Act Determination

The draft SHA and permit application may be eligible for categorical exclusion