

(4) Any individual who was a principal, partner, director, agent or employee of any entity or individual described in subparagraph 3 above, at any time during which the entity or individual performed services for or on behalf of HUD in connection with HUD mortgage sales;

(5) Any individual or entity that uses the services, directly or indirectly, of any person or entity ineligible under subparagraphs 1 through 4 above to assist in preparing any of its bids on the Mortgage Loans;

(6) Any individual or entity which employs or uses the services of an employee of HUD (other than in such employee's official capacity) who is involved in HUD mortgage sales;

(7) Any mortgagor (or affiliate of a mortgagor) that failed to submit to HUD on or before December 1, 2009, audited financial statements for fiscal years 2001 through 2008 for a project securing a Mortgage Loan;

(8) Any individual or entity and any Related Party (as such term is defined in the Qualification Statement) of such individual or entity that is a mortgagor in any of HUD's Multifamily Housing or Healthcare programs that is in default under such mortgage loan or is in violation of any regulatory or business agreements with HUD, unless such default or violation is cured on or before December 8, 2009;

(9) Any entity or individual that serviced or held any Mortgage Loan at any time during the 2-year period prior to December 1, 2009, is ineligible to bid on such Mortgage Loan or on the pool containing such Mortgage Loan, but may bid on loan pools that do not contain Mortgage Loans that they have serviced or held at any time during the 2-year period prior to December 1, 2009.

(10) Also ineligible to bid on any Mortgage Loan are: (a) Any affiliate or principal of any entity or individual described in the preceding sentence (paragraph 9); (b) any employee or subcontractor of such entity or individual during that 2-year period; or (c) any entity or individual that employs or uses the services of any other entity or individual described in this paragraph in preparing its bid on such Mortgage Loan.

In addition, to be eligible to bid in HUD's supplementary pool of unsubsidized Multifamily mortgage loans limited to not-for-profit organizations and units of State and Local Government, a prospective bidder must qualify as one or more of the following:

(1) An entity that is a nonprofit as defined by Section 501(c)(3) of the

Internal Revenue Code of 1954 (26 U.S.C.A. § 501(c)(3)); and/or

(2) an entity that is a unit of general local government or State agency. Prospective bidders should carefully review the Qualification Statement to determine whether they are eligible to submit bids on the Mortgage Loans.

Freedom of Information Act Requests: HUD reserves the right, in its sole and absolute discretion, to disclose information regarding these sales activities, including, but not limited to, the identity of any successful bidder and its bid price or bid percentage for any pool of loans or individual loan, upon the closing of the sale of all the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to these sales activities, HUD will have the right to disclose any information that HUD is obligated to disclose pursuant to the Freedom of Information Act and all regulations promulgated there under.

Scope of Notice: This notice applies to these sales activities and does not establish HUD's policy for the sale of other mortgage loans.

Dated: November 30, 2009.

David H. Stevens,

Assistant Secretary for Housing—Federal Housing Commissioner.

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DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[INT-DES 09-56]

Minidoka Dam Spillway Replacement Minidoka County, ID

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability and Public Meetings on the Draft Environmental Impact Statement for Minidoka Dam Spillway Replacement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) has prepared a Draft Environmental Impact Statement (DEIS) on the proposed Minidoka Dam Spillway Replacement. Alternatives considered in the DEIS are the No Action, as required under NEPA; total replacement of the spillway and headgate structures; and replacement of just the spillway. The U.S. Fish and Wildlife Service is a cooperating agency under NEPA.

DATES: Public meetings with an opportunity to provide oral comments

will be held on the following dates and times:

- Idaho Falls, ID: January 12, 2010: 7 p.m. to 9 p.m.
- Pocatello, ID: January 13, 2010: 7 p.m. to 9 p.m.
- Burley, ID: January 14, 2010: 7 p.m. to 9 p.m.

Written comments will be accepted through February 5, 2010. Please direct requests for sign language interpretation for the hearing impaired or other auxiliary aids, to Ms. Allyn Meuleman by December 28, 2009, at the telephone or fax numbers listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

ADDRESSES: Comments and requests to be added to the mailing list may be submitted to Bureau of Reclamation, Snake River Area Office, Attention: Allyn Meuleman, Activity Manager, 230 Collins Road, Boise, ID 83702-4520. Comments may also be submitted electronically to minidoka_dam_eis@usbr.gov.

The public meetings will be held at the following locations which are physically accessible to people with disabilities.

- Red Lion Inn, 475 River Parkway, Idaho Falls, ID 83402.
- Cotton Tree Inn, 1415 Bench Road, Pocatello, ID 83201.
- Fairfield Inn, 230 West 7th Street North, Burley, ID 83318.

FOR FURTHER INFORMATION CONTACT: Contact Allyn Meuleman, (208) 383-2258, fax: (208) 383-2237. Information on this project can also be found at: <http://www.usbr.gov/pn/programs/eis/minidokadam/index.html>.

SUPPLEMENTARY INFORMATION: Minidoka Dam impounds Lake Walcott and is a feature of Reclamation's Minidoka Project. They are located on the main stem Snake River about 18 miles northeast from the city of Burley, ID within the Minidoka Wildlife Refuge. After over 103 years of continued use, the over 2000 feet long concrete spillway at the Minidoka Dam has reached the end of its functional lifespan. The concrete that forms the spillway crest and the piers of the pier-and-stoplog structure shows extensive visible deterioration at numerous locations. In addition, the potential for ice damage to the stoplog piers requires that reservoir water levels be dropped each winter. The headgate structures at the North Side Canal and South Side Canal also show serious concrete deterioration similar to that seen along the spillway. The current conditions of the Minidoka Dam spillway and headgate structures present increasingly difficult reliability and maintenance

problems. If structural problems are not corrected there is potential of partial or complete failure of the spillway and headgates. If these failures occur, Reclamation may not be able to meet contractual obligations for water delivery, power generation and Reclamation's commitments to deliver flow augmentation water under the Nez Perce Settlement Agreement and the Endangered Species Act.

Public Involvement

Reclamation will conduct public meetings to solicit input on the DEIS. If you wish to comment, you may provide your comments as indicated under the **ADDRESSES** section. Before including your name, 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.

J. William McDonald,

Regional Director, Pacific Northwest Region.
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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

No Child Left Behind Act of 2001— Membership of the School Facilities and Construction Negotiated Rulemaking Committee

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: As required by the No Child Left Behind Act of 2001, and in compliance with procedures set out in the Negotiated Rulemaking Act, the Secretary of the Interior has appointed members of the committee to prepare and submit a report or reports regarding Bureau-funded school facilities. The Secretary chose from nominations submitted by Indian tribes and others whose students attend Bureau-funded schools (operated either by the Bureau, or by a tribe through a contract or grant). To the maximum extent possible, the proportional representation of tribes on the committee reflects the proportionate share of students from tribes served by the Bureau-funded school facilities. In addition, the Secretary considered the balance of representation with regard to

geographical location, size, and type of school and facility, as well as the interests of parents, teachers, administrators, and school board members, in selecting tribal committee representatives. Having considered all nominations, the Secretary appoints the persons named in this notice as committee members.

DATES: Comments must be postmarked or faxed no later than January 11, 2010. For the dates of the first committee meeting, please see the information under the "First Committee Meeting" heading in this notice.

ADDRESSES: Send comments to the Designated Federal Official: Michele F. Singer, Director, Office of Regulatory Affairs & Collaborative Action, Office of the Assistant Secretary—Indian Affairs, 1001 Indian School Road, NW., Suite 312, Albuquerque, NM 87104. Or fax to (505) 563-3811. For the location of the first committee meeting, please see the information under the "First Committee Meeting" heading in this notice.

FOR FURTHER INFORMATION CONTACT: Michele F. Singer, Designated Federal Official. Telephone: (505) 563-3805. Fax: (505) 563-3811.

SUPPLEMENTARY INFORMATION:

Background

The No Child Left Behind Act of 2001 (Pub. L. 107-110), which is codified at 25 U.S.C. 2001 *et seq.*, requires the Secretary to establish a negotiated rulemaking committee to issue a report or reports to the Secretary relating to specific areas of Indian education (*see* 25 U.S.C. 2018). The Secretary must follow the procedures of negotiated rulemaking under the Negotiated Rulemaking Act (5 U.S.C. 561 *et seq.*) in a manner that:

(1) Reflects the unique government-to-government relationship between Indian tribes and the United States;

(2) Ensures that the membership of the committee includes only representatives of the Federal Government and of tribes served by Bureau-funded schools;

(3) Ensures, to the maximum extent possible, that the tribal representative membership on the committee reflects the proportionate share of students from tribes served by the Bureau-funded school system; and

(4) Complies with the Federal Advisory Committee Act (5 U.S.C. Appx. 1 *et seq.*).

In the fall of 2006, the Department sought assistance with this effort from the U.S. Institute for Environmental Conflict Resolution (U.S. Institute). The U.S. Institute conducted a convening assessment and contracted with an

independent, impartial convening team, the Consensus Building Institute (CBI), to carry out interviews and prepare a draft convening report. The topics covered in CBI's interviews were: Methods used to catalog school facilities, formulas for prioritizing and funding school replacement construction and new construction, and formulas for prioritizing and funding school renovation and repair. The convening team conducted confidential interviews with tribal officials or their designees, representatives of Bureau-operated or tribally controlled schools, and others with an interest in Bureau-funded school facilities construction. The team also conducted two focus group sessions. Altogether, the team spoke with 198 individuals, representing some 99 different schools. In its final report, CBI provided recommendations to assign committee seats according to the Congressional mandate for proportionality using student enrollment figures from 2006 and also suggested that seats be allocated to other tribes and tribal entities to maximize representation. The Final Convening Report prepared by CBI was released on March 5, 2008, and can be accessed at http://www.ecr.gov/pdf/BIA_FinalConvRpt200803.pdf.

The proposed school facilities negotiated rulemaking committee will prepare and submit to the Secretary of the Interior the following:

(1) A catalog of school facilities that includes the components required by 25 U.S.C. 2005(a)(5)(A)(i)(I)-(V);

(2) A report that determines the school replacement and new construction needs of the interested parties, and a formula for the equitable distribution of funds to address those needs, based on the requirements of 25 U.S.C. 2005(a)(5)(A)(ii);

(3) A report that determines the major and minor renovation needs of the interested parties, and a formula for the equitable distribution of funds to address these needs, based on the requirements of 25 U.S.C. 2005(a)(5)(A)(iii); and

(4) Proposed revisions to the national facilities standards for home-living (dormitory) situations, based on the requirements of 25 U.S.C. 2002(a)(1).

Selection of Committee Members

On October 22, 2008, the Secretary published a request for nominations (73 FR 63008) and, on January 6, 2009, extended the deadline for submitting requests for nominations to January 23, 2009 (74 FR 454). The Secretary received 50 nominations. The Secretary has determined that the proper functioning of the committee requires