

system as it is not used by many States, unless it could be modified to allow XML upload and aggregate-only data.

*Response:* XML is beneficial since it is a commonly used method of electronically encoding documents, usable over the Internet, and compatible with many programming interfaces that can be used to extract data. HUD will be using a system similar to TRACS to accept data files from the State housing finance agencies. This system accepts a variety of file formats, including XML. HUD plans to modify the system for this data collection effort to ensure that it accepts the requested file formats.

*Comment:* HUD should make clear that responses to race, ethnicity, and disability status data are voluntary; whether the requirement to collect data exists for the 15-year tax credit compliance period or the extended period as well, arguing that the data collection should not apply after the initial 15 year period; and that, since there is no built-in enforcement mechanism, a good-faith effort to collect the data should suffice for compliance. One commenter stated that HUD should address how the data collection methodology will be coordinated with the authority HERA grants for State tax credit agencies to waive annual recertification requirements.

*Response:* Data collection will include all low-income units monitored for compliance as long as they remain in the program, including those in the extended-use period. Tying the collection of information to the actual technical use of the credit makes little sense as most tax-credit owners actually sell or syndicate their credits at the outset. The key, rather, is that the units have received the benefit of tax credits and continue to remain in the program as low-income units, and it is those complying units that Congress seeks information about.

Data collection will be consistent with new HERA re-certification rules for 100 percent low-income unit properties. As to the race, ethnicity, and disability questions, a household cannot be forced to provide this information. If the household does not provide the information, the State agency shall make its best efforts to report the information based on observation or derived from other sources.

*Comment:* Commenters stated that HUD should make available a guidebook, procedures manual, or other informational guidance.

*Response:* HUD is specifying the data it is collecting in this notice and in the paperwork approval request published in the **Federal Register**. In addition, the information contact listed in this rule

can provide copies of the actual revised notices. HUD may publish additional guidance in the near future.

*Comment:* HUD should make development-level data available as soon as possible after it is collected so that it can be analyzed, for example, to determine Fair Housing Act compliance or whether families with incomes below the poverty line are being served.

*Response:* The statute requires HUD to compile and make the information collected available "not less than annually." HUD plans to fulfill that statutory requirement.

*Comment:* One commenter stated that data elements should be precisely defined so there is no variability from State to State. For example, all States should follow the same rounding rules.

*Response:* HUD believes that most of the data being collected, such as age, ethnicity, family composition, disability status and age, is expressible in whole integers and will not require rounding. If it appears that rounding rules could affect the data in a statistically significant way, HUD may provide further guidance as needed.

*Comment:* One commenter sought additional data collections for civil-rights related purposes. This commenter stated that HUD should collect racial and ethnic data on applicants for LIHTC housing to better assess affirmative marketing compliance. This commenter also stated that when initial data is released, HUD should contract with "reputable and independent research organizations to analyze the civil rights performance of LIHTC State agencies and project managers/developers" to identify possible patterns of civil rights violations for further action by HUD's Office of Fair Housing and Equal Opportunity. This commenter states that there has been a "longstanding failure" to collect racial and ethnic data in the LIHTC program.

*Response:* HUD does not have statutory authority to collect data on applicants. While generally HUD supports improved civil rights performance in assisted housing, this particular statute is limited to collecting specified information. This information includes race, ethnicity, and disability status on households residing in properties receiving credits under the low-income housing tax credit program. Congress has not currently provided HUD with the authorization or funding to conduct the study suggested.

*Comment:* Some commenters state that there should be transition periods of various times to give State agencies time to launch their new systems. Commenters also stated that compliance costs would be significant and that HUD

should provide or petition Congress to provide additional funding to cover the extra costs.

*Response:* HUD understands that States may encounter difficulty in completing the data collection requests. HUD will address on a State-by-State basis the need for additional time and is procuring services to assist States in their transition. However, while Congress has authorized funds for this data collection, funds were not appropriated for this specific purpose in Fiscal Year (FY) 2009. The authorized funding amounts are limited to \$2,500,000 for FY 2009 and \$900,000 for each of FYs 2010 through 2013. States should be aware of this limited funding.

### III. Information Collection

Parties interested in viewing and commenting on the information collection requirements may do so by responding to the separate notice of information collection published in the **Federal Register** (75 FR 8392).

Dated: February 22, 2010.

**Jean Lin Pao,**

*General Deputy Assistant Secretary for Policy Development and Research.*

[FR Doc. 2010-4386 Filed 3-2-10; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLMT926000-10-L19100000-BJ0000-LRCM08RS4045]

#### Notice of Filing of Plats of Survey: Montana

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of filing of plats of survey.

**SUMMARY:** The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, thirty (30) days from the date of publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Steve Toth, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101-4669, telephone (406) 896-5121 or (406) 896-5009.

**SUPPLEMENTARY INFORMATION:** This survey was executed at the request of the Superintendent, Fort Peck Agency, through the Rocky Mountain Regional Director, Bureau of Indian Affairs, and was necessary to determine boundaries of Trust or Tribal Interest lands.

The lands we surveyed are:

**Principal Meridian, Montana**

T. 26 N., R. 43 E.

The plat, in 2 sheets, representing the dependent resurvey of a portion of the subdivisional lines, a portion of the subdivision of sections 11, 12, 13, and 14, the adjusted original meanders of the former left bank of the Missouri River, downstream, through sections 11, 14, 15, and a portion of section 13, and a certain division of accretion line in section 13, and the subdivision of sections 11, 12, and 14, and the survey of the meanders of the present left bank of the Missouri River, downstream, through sections 11, 12, 14, and a portion of section 13, and certain division of accretion lines in sections 13 and 14, Township 26 North, Range 43 East, Principal Meridian, Montana, was accepted February 3, 2010.

We will place a copy of the plat, in 2 sheets, and related field notes we described in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against this survey, as shown on this plat, in 2 sheets, prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file this plat, in 2 sheets, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

**Authority:** 43 U.S.C. Chap. 3.

Dated: February 25, 2010.

**Michael T. Birtles,**

*Chief Cadastral Surveyor, Division of Resources.*

[FR Doc. 2010-4438 Filed 3-2-10; 8:45 am]

**BILLING CODE 4310-DN-P**

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**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**Minor Boundary Revision of Pinnacles National Monument**

**AGENCY:** National Park Service, Interior.

**ACTION:** Announcement of boundary revision.

**SUMMARY:** This notice announces the revision to the boundary of Pinnacles National Monument, pursuant to the authority specified below, to include three adjacent and contiguous tracts of land in San Benito County, California, totaling 114.79 acres. Tract 02-105 contains 31.58 acres and is further identified by Assessor's Parcel Number (APN) 028-130-012. Tract 02-106 contains 81.71 acres and is further identified by APNs 028-130-032 and 028-130-033. Tract 02-107 contains 1.5 acres and is further identified by APN 028-130-018.

The tracts are depicted on Drawing No. 114/80,014, Sheet 2 of 3, Segment Map 01 (Consolidated 01-02), revised March 11, 2009. This map is on file and available for inspection at the following locations: National Park Service, Land Resources Program Center, Pacific West Region, 1111 Jackson St., Suite 700, Oakland, CA 94607, and National Park Service, Department of the Interior, Washington, DC 20240.

**SUPPLEMENTARY INFORMATION:** 16 U.S.C. 4601-9(c)(1) provides that after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Resources, the Secretary of the Interior is authorized to make this boundary revision. This action will add three tracts containing a total of 114.79 acres to the Pinnacles National Monument. The National Park Service proposes to acquire these parcels from the individual tract owners, who have consented to the acquisition.

The National Park Service has determined that it will be feasible to administer these lands. The views of and impacts on local communities have been considered. Other alternatives for the management and protection of resources on these lands are not adequate.

**DATES:** The effective date of this boundary revision is March 3, 2010.

**FOR FURTHER INFORMATION CONTACT:** National Park Service, Chief, Pacific Land Resources Program Center, Pacific West Region, 1111 Jackson St., Suite 700, Oakland, CA 94607, (510) 817-1414. 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 request in your comment that your personal identifying information be withheld from public review, we cannot guarantee that we will be able to do so.

Dated: February 25, 2010.

**Rory D. Westberg,**

*Acting Regional Director, Pacific West Region.*

[FR Doc. 2010-4413 Filed 3-2-10; 8:45 am]

**BILLING CODE 4312-EP-P**

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Consistent with Section 122 of the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(d), and 28 CFR 50.7, notice is hereby given that on February 24, 2010, the United States lodged a Partial Consent Decree with South Tahoe Refuse Company, Inc. ("STR") in *United States of America v. El Dorado County, California, et al*, Civil No. S-01-1520 MCE GGH (E.D. Cal.), with respect to the Meyers Landfill Site, located in Meyers, El Dorado County, California (the "Site").

On August 3, 2001, Plaintiff United States of America ("United States"), on behalf of the United States Department of Agriculture, Forest Service ("Forest Service"), filed a complaint in this matter pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607, against Defendants, El Dorado County, California (the "County") and the City of South Lake Tahoe, California ("the City"). The complaint filed by the United States seeks recovery of environmental response costs incurred by the Forest Service related to the release or threatened release and/or disposal of hazardous substances at or from the Meyers Landfill Site, a former municipal waste disposal facility located on National Forest Service System lands administered by the Lake Tahoe Basin Management Unit of the Forest Service, with accrued interest, and a declaration of the County's and the City's liability for future response costs incurred by the United States related to the Site. The County filed a Third Party Complaint for contribution against a number of third party defendants, including STR.

Under the proposed Partial Consent Decree STR will pay \$1.0 million, which will be deposited into a Forest Service Special account to fund future response actions at the Site. The amount of the proposed settlement is based upon financial information provided by STR indicating a limited ability to pay. In exchange for STR's payment, STR will receive from the United States a covenant not to sue or to take administrative action pursuant to Sections 106 or 107 of CERCLA, 42 U.S.C. 9606 and 9607, as amended, for the performance of response actions at Operable Unit One ("OU-1") at the Site and the United States' past response costs, interim response costs, and future OU1 response costs at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Partial Consent Decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources