

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Health Care Financing Administration**

[Document Identifier: HCFA-R-0296]

**Notice of OMB Approval****AGENCY:** Health Care Financing Administration, DHHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, obtained approval (OMB approval number 0938-0781) of the HCFA R 0296 form, Home Health Advanced Beneficiary Notice.

HCFA published a **Federal Register** notice on September 26, 2000, 65 FR 57821, seeking emergency OMB clearance, pursuant to the Paperwork Reduction Act, of a uniform Home Health Advance Beneficiary Notice (HHABN). Following a public comment period, and revision of the proposed uniform HHABN, HCFA submitted the revised HHABN to OMB. On December 1, 2000, OMB gave emergency clearance to a revised uniform HHABN. Pursuant to a **Federal Register** notice published by HCFA on October 6, 2000, 65 FR 59858, use of the uniform HHABN becomes mandatory not later than 90 days following OMB approval, which is March 1, 2001. (The uniform HHABN and related documents are posted on HCFA's website at <http://www.hcfa.gov/medlearn/refhha.htm>).

Dated: December 27, 2000.

**John P. Burke III,**

*Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 01-671 Filed 1-9-01; 8:45 am]

BILLING CODE 4120-03-P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4565-N-33]

**Notice of Proposed Information Collection: Comment Request; HUD Conditional Commitment/Direct Enforcement Statement of Appraised Value****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:* March 12, 2001.

**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: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Building, Room 8202, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Vance T. Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone number (202) 708-1142 (this is not a toll-free number) for copies of the proposed forms and other available.

**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) Evaluation 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 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:* Conditional Commitment/Direct Endorsement Statement of Appraised Value.

*OMB Control Number, if applicable:* 2502-0494.

*Description of the Need for the Information and Proposed Use:* This request for OMB review involves a reinstatement of a previously approved information collection, Form HUD 29800.5B, Conditional Commitment/Direct Enforcement Statement of Appraised Value (OMB control number 2502-0494). Section 203 of the National Housing Act (Public Law 479, 48 Stat.

1256, 12 U.S.C. 1701 *et seq.*) authorizes the Secretary of the Department of Housing and Urban Development to insure mortgages on single family homes, including proposed and existing construction, when requested by FHA approved mortgagees. Form HUD 92800.5B serves as the mortgagee's conditional commitment/direct endorsement of FHA mortgage insurance on the property. The form provides for a statement of the property's appraised value and other required FHA disclosures to the homebuyer, including specific conditions which must be met before a firm commitment for mortgage insurance can be endorsed by HUD.

*Agency Form Numbers, if Applicable:* HUD-92800.5B.

*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 estimated number of respondents is 1,200,000, the total annual responses are 1,200,000, and the total annual hours of response are estimated at 140,000 hours based on approximately .12 hours per response.

*Status of the Proposed Information Collection:* Reinstatement, with change, of a previously approved collection.

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

Dated: January 3, 2001.

**William C. Apgar,**

*Assistant Secretary for Housing-Federal Housing Commissioner.*

[FR Doc. 01-630 Filed 1-9-01; 8:45 am]

BILLING CODE 4210-27-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4638-N-01]

**Notice of Certain Operating Cost Adjustment Factors****AGENCY:** Office of the Secretary, HUD.

**ACTION:** Publication of Fiscal Year (FY) 2001 Operating Cost Adjustment Factors (OCAFs) for Section 8 rent adjustments at contract renewal under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA), as amended by the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act of 1999, and under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRA) Projects assisted with Section 8 Housing Assistance Payments.

**SUMMARY:** This notice establishes factors used in calculating rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA) as amended by the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act of 1999, and under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRA).

**EFFECTIVE DATE:** January 10, 2001.

**FOR FURTHER INFORMATION CONTACT:** Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3000; (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 1-800-877-8339.

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

Section 514(e)(2) of the FY 1998 HUD Appropriations Act requires HUD to establish guidelines for rent adjustments based on an operating cost adjustment (OCAF) factor. The legislation requiring HUD to establish OCAFs for LIHPRA projects and projects with contract renewals 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 rents are adjusted.

Additionally, section 524 of the Act gives HUD broad discretion in setting OCAFs—referring simply to “operating cost factors established by the Secretary.” The sole exception to this grant of authority is a specific requirement that application of an OCAF shall not result in a negative rent adjustment. OCAFs are to be applied uniformly to all projects utilizing OCAFs as the method by which rents are adjusted upon expiration of the term of the contract. OCAFs are applied to project contract rent less debt service.

An analysis of cost data for FHA-insured projects showed that their operating expenses could be grouped into nine categories: wages, employee benefits, property taxes, insurance, supplies and equipment, fuel oil, electricity, natural gas, and water and sewer. Based on an analysis of these data, HUD derived estimates of the percentage of routine operating costs that were attributable to each of these nine expense categories. Data for projects with unusually high or low

expenses due to unusual circumstances were deleted from analysis.

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

The best current measures of cost changes for the nine cost categories were selected. The only categories for which current data are available at the State level are for fuel oil, electricity, and natural gas. Current price change indices for the other six categories are only available at the national level. The Department had the choice of using dated State-level data or relatively current national data. It opted to use national data rather than data that would be two or more years older (e.g., the most current local wage data are for 1996). The data sources for the nine cost indicators selected used were as follows:

*Labor Costs*—6/99 to 6/00 Bureau of Labor Statistics (BLS), “Employment Cost Index, Private Sector Wages and Salaries Component at the National Level.”

*Employment Benefit Costs*—6/99–6/00 (BLS), “Employment Cost Index, Employee Benefits at the National Level.”

*Property Taxes*—6/99–6/00 (BLS), “Consumer Price Index, All Items Index.”

*Goods, Supplies, Equipment*—6/99–6/00 (BLS), “Producer Price Index, Finished Goods Less Food and Energy.”

*Insurance*—6/99–6/00 (BLS), “Consumer Price Index, Tenant and Household Insurance.”

*Fuel Oil*—Energy Information Agency, Petroleum Marketing Annual 1999, Table 18, “Prices of No.2 Distillate to Residences by PAD District and Selected States,” (Petroleum Administration for Defense District (PADD) average changes were used for the States with too little fuel oil consumption to have values.)

*Electricity*—Energy Information Agency, Electric Power Annual Volume 1, 1999, Table 22 “Retail Sales of Electricity, Revenue and Average Revenue per Kilowatt-hour (and RSEs) by U.S. Electric Utilities to Ultimate Consumers by Census Division and State, 1998–1999—Residential.”

*Natural Gas*—Energy Information Agency, Natural Gas Annual, 1999, Table 22, “Average Price of Natural Gas Delivered to Residential Consumers by State, 1995–1999 (Preliminary).”

*Water and Sewer*—6/99–6/00, (BLS), “Consumer Price Index—Detailed Report.”

The sum of the nine cost components equals 100 percent of operating costs for purposes of OCAF calculations. To calculate the OCAFs, the selected inflation factors are multiplied by the relevant State-level operating cost percentages derived from the previously referenced analysis of FHA insured projects. For instance, if wages in Virginia comprised 50 percent of total operating cost expenses and wages increased by 4 percent from June 1999 to June 2000, the wage increase component of the Virginia OCAF for FY 2001 would be 2.0 percent ( $4\% \times 50\%$ ). This 2.0 percent would then be added to the increases for the other eight expense categories to calculate the FY 2000 OCAF for Virginia. These types of calculations were made for each State for each of the nine cost components, and are included as the Appendix to this Notice.

### **II. MAHRA OCAF Procedure**

The Multifamily Assisted Housing Reform and Affordability Act of 1997, Title V of Pub. L. 105-65 (approved October 7, 1997), 42 U.S.C. 1437f (MAHRA) as amended by the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act of 1999, 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 renewals that are not eligible for Plans and those for which the owner does not request Plans. Renewals must be at rents not exceeding comparable market rents except for certain projects. For Section 8 Moderate Rehabilitation projects, other than single room occupancy projects (SROs) under the Stewart B. McKinney 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.

### **III. Findings and Certifications**

#### *Environmental Impact*

This notice 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 notice 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: January 5, 2001.

**Andrew Cuomo,**

*Secretary.*

[FR Doc. 01-771 Filed 1-9-01; 8:45 am]

**BILLING CODE 4210-27-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Notice of Availability, Draft Restoration Plan and Environmental Assessment**

**AGENCY:** Fish & Wildlife Service, Department of the Interior.

**ACTION:** Notice of availability

**SUMMARY:** The U.S. Fish & Wildlife Service (Service), on behalf of the Department of the Interior (DOI), as a Natural Resource Trustee (Trustee), announces the release for public review of the Draft Restoration Plan and Environmental Assessment (RP/EA) for Operable Unit 3 (OU-3) of the Asbestos Dump Superfund Site, Morris County, New Jersey. The Draft RP/EA describes the DOI's proposal to restore natural resources injured as a result of chemical contamination at the Asbestos Dump Superfund Site.

**DATES:** Written comments must be submitted on or before February 26, 2001.

**ADDRESSES:** Requests for copies of the Draft RP/EA may be made to: Clay Stern, U.S. Fish & Wildlife Service, New Jersey Field Office, 927 North Main Street, Pleasantville, New Jersey, 08232.

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

**FOR FURTHER INFORMATION CONTACT:** Clay Stern, Environmental Contaminants Branch, U.S. Fish and Wildlife Service,

New Jersey Field Office, 927 North Main Street, Pleasantville, New Jersey, 08232. Interested parties may also call 609/383-3938, x27 or send e-mail to clay\_stern@fws.gov for further information.

**SUPPLEMENTARY INFORMATION:** Under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*), \* \* \* "[Trustees] may assess damages to natural resources resulting from a discharge of oil or a release of a hazardous substance \* \* \* and may seek to recover those damages." Natural resource damage assessments are separate from the cleanup actions undertaken at a hazardous waste site, and provide a process whereby the Trustees can determine the proper compensation to the public for injury to natural resources. At Operable Unit 3 of the Asbestos Dump Superfund Site in Morris County, New Jersey, DOI was the sole natural resources trustee involved in the federal government's settlement with the National Gypsum Corporation (NGC). The Service, acting on behalf of the DOI, determined that contamination at OU-3 had degraded and injured trust resources within the Great Swamp National Wildlife Refuge. The injuries resulted from the deposition of asbestos containing materials, and mercuric and lead based compounds at the 5.58 acre site.

As part of a Consent Decree between the United States and NGC for response and restoration claims, DOI settled with NGC for natural resource damages. The settlement of approximately \$3.6 million was designated for restoration, replacement, or acquisition of the equivalent natural resources injured by the release of contaminants at the site.

The Draft RP/EA is being released in accordance with section 111(i) of CERCLA, 42 U.S.C. 9611(i) and NEPA. The Draft RP/EA describes several natural resource restoration, acquisition, and protection alternatives identified by the DOI, and evaluates each of the possible alternatives based on all relevant considerations. The DOI's Preferred Alternative is to use the settlement funds in a combination of projects aimed to restore, enhance, and protect in perpetuity, fish and wildlife habitat within the Great Swamp Watershed. Details regarding the proposed projects are contained in the Draft RP/EA.

Interested members of the public are invited to review and comment on the Draft RP/EA. Copies of the Draft RP/EA

are available from the Service's New Jersey Field Office at 927 North Main Street, Pleasantville, New Jersey, 08232, or at the Great Swamp National Wildlife Refuge Headquarters, 152 Pleasantville, New Jersey, 08232, or at the Great Swamp National Wildlife Refuge Headquarters, 152 Pleasant Plains Road, Basking Ridge, New Jersey, 07920. Additionally, the Draft RP/EA is available for review at the Long Hill Township Library, 91 Central Avenue, Stirling, New Jersey, 07980, and the Harding Township Town Hall, located at the corners of Blue Mill Road and Sand Spring Road, New Vernon, New Jersey, 07976. All comments received on the Draft RP/EA will be considered and a response provided either through revision of this Draft RP/EA and incorporation into the Final Restoration Plan and Environmental Assessment, or by letter to the commentor.

#### **Author**

The primary author of this notice is Clay Stern, U.S. Fish & Wildlife Service, New Jersey Field Office, 927 North Main Street, Pleasantville, New Jersey, 08232.

#### **Authority**

The authority for this action is the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*).

Dated: January 3, 2001.

**G. Adam O'Hara,**

*Acting Regional Director, Region 5, U.S. Fish & Wildlife Service.*

[FR Doc. 01-593 Filed 1-9-01; 8:45 am]

**BILLING CODE 4310-55-M**

## DEPARTMENT OF THE INTERIOR

### U.S. Geological Survey

#### **Technology Transfer Act of 1986**

**AGENCY:** U.S. Geological Survey, Interior.

**ACTION:** Notice of proposed Cooperative Research and Development Agreement (CRADA) negotiations.

**SUMMARY:** The United States Geological Survey (USGS) is planning to enter into a Cooperative Research and Development Agreement (CRADA) with Florida International University (FIU). The USGS, working with the High-Performance Database Research Center (HPDRC) and the National Aeronautics and Space Administration (NASA) Regional Applications Center (RAC), co-located in the Computer Science Department of FIU, will perform joint