

(b) Funds not obligated will be allocated, by a date as determined by the Secretary, pro rata to the remaining States who applied during the specified grant application period to be solely expended on projects previously approved in their State plan.

§ 1291.10 Reporting and oversight requirements.

(a) An annual performance report will be required of all State departments' of agriculture within 90 days after the completion of the first year of the project(s), until the expiration date of the grant agreement. If the grant period is one year or less, then only a final performance report is required (See paragraph (b) of this section). The annual performance report shall include the following:

(1) *Activities Performed.* Briefly summarize activities performed, targets, and/or performance goals achieved during the reporting period to meet measurable outcomes for each project.

(2) *Problems and Delays.* Note unexpected delays or impediments for each project.

(3) *Future Project Plans.* Outline work to be performed during the next reporting period for each project.

(4) *Funding Expended To Date.* Comment on the level of grant funds expended to date for each project.

(b) A final performance report will be required of all State departments of agriculture within 90 days following the expiration date of the grant period. The final progress report shall include the following:

(1) *Project Summary.* An outline of the issue, problem, interest, or need for each project.

(2) *Project Approach.* How the issue or problem was approached via each project.

(3) *Goals and Outcomes Achieved.* How the performance goals and measurable outcomes were achieved for each project(s). If outcome measures were long term, summarize the progress that has been made towards achievement.

(4) *Beneficiaries.* Description and quantitative data for the number of people or operations that have benefited from the project's accomplishments, and/or the potential economic impact of each project.

(5) *Lessons Learned.* Lessons learned, results, conclusions, for each project. If outcome measures were not achieved, identify and share the lessons learned to help expedite problem-solving.

(6) *Contact Person.* List the contact person for each project with telephone number and email address.

(7) *Additional Information.* Include other relevant project information

available (e.g. publications, Web sites, photographs).

(c) A final SF-269A "Financial Status Report (Short Form)" or SF-269 "Financial Status Report (Long Form)" if the project(s) had program income, is required within 90 days following the expiration date of the grant period.

(d) AMS will monitor States, as it determines necessary, to assure that projects are completed in accordance with the approved State plan. If AMS, after reasonable notice to a State, and opportunity to be heard, finds that there has been a failure by the State to comply substantially with any provision or requirement of the State plan, AMS may disqualify, for one or more years, the State from receipt of future grants under the SCBGP.

(e) States shall diligently monitor performance to ensure that time schedules are being met, project work within designated time periods is being accomplished, and other performance measures are being achieved.

§ 1291.11 Audit requirements.

Each year that a State receives a grant under the SCBGP-FB, the State is required to conduct an audit of the expenditures of SCBGP-FB funds. If the Single Audit Act applies to an eligible grantee, the State shall submit the annual audit results to AMS within 30 days after completion of the audit. If the Single Audit Act does not apply, the State shall conduct an audit of all SCBGP-FB funds no later than 60 days after the end date of the grant agreement. The State shall submit to AMS not later than 30 days after completion of the audit, a copy of the audit results.

Dated: August 28, 2008.

Lloyd C. Day,
Administrator, Agricultural Marketing Service.

[FR Doc. E8-20486 Filed 9-3-08; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30626; Amdt. No. 476]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the

required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective Date:* 0901 UTC, September 25, 2008.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (*Mail Address:* P.O. Box 25082 Oklahoma City, OK. 73125) *telephone:* (405) 954-4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same

reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC on August 27, 2008.

James J. Ballough,
Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator,

part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, September 25, 2008.

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—AMENDMENT 476

[Effective date September 25, 2008]

From		To	MEA	
§ 95.1001 DIRECT ROUTES—U.S. COLOR ROUTES § 95.10 AMBER FEDERAL AIRWAY A6				
IS ADDED TO READ: ST MARYS, AK NDB		NORTH RIVER, AK NDB		5000
From		To	MEA	MAA
§ 95.4000 HIGH ALTITUDE RNAV ROUTES § 95.4110 RNAV ROUTE Q110				
IS AMENDED BY ADDING: THNDR, FL FIX *18000—GNSS MEA. #DME/DME/IRU RNAV MEA.		KPASA, FL FIX	#*18000	45000
§ 95.4257 RNAV ROUTE T257				
IS ADDED TO READ: BIG SUR, CA VORTAC ISIFU, CA FIX SUTRO, CA FIX		ISIFU, CA FIX SUTRO, CA FIX POINT REYES, CA VORTAC	7300 4900 4000	17500 17500 17500
§ 95.4259 RNAV ROUTE T259				
IS ADDED TO READ: SAN JOSE, CA VOR/DME CEDES, CA FIX MOVDD, CA FIX		CEDES, CA FIX MOVDD, CA FIX SACRAMENTO, CA VORTAC	6200 5900 3200	17500 17500 17500
§ 95.4261 RNAV ROUTE T261				
IS ADDED TO READ: WOODSIDE, CA VORTAC		ALTAM, CA FIX	5000	17500
§ 95.4263 RNAV ROUTE T263				
IS ADDED TO READ: SUNOL, CA FIX		SCAGGS ISLAND, CA VORTAC	4600	17500
§ 95.4274 RNAV ROUTE T274				
IS ADDED TO READ: NEWPORT, OR VORTAC *5000—MCA CRAAF, OR FIX, SW BND.		*CRAAF, OR FIX	5500	17500
From		To	MEA	
§ 95.6001 VICTOR ROUTES—U.S. § 95.6005 VOR FEDERAL AIRWAY V5				
IS AMENDED TO READ IN PART:				

From	To	MEA
#APPLETON, OH VORTAC #R-006 UNUSABLE.	MANSFIELD, OH VORTAC	3000
§ 95.6006 VOR FEDERAL AIRWAY V6		
IS AMENDED TO READ IN PART: MUSTANG, NV VORTAC WADDS, NV FIX *8500—MCA LOVELOCK, NV VORTAC, NE BND. **9500—MOCA.	WADDS, NV FIX *LOVELOCK, NV VORTAC	10300 **10000
§ 95.6013 VOR FEDERAL AIRWAY V13		
IS AMENDED TO READ IN PART: *CHESO, AR FIX *5000—MRA.	RAZORBACK, AR VORTAC	3700
§ 95.6014 VOR FEDERAL AIRWAY V14		
IS AMENDED TO READ IN PART: BUFFALO, NY VOR/DME	GENESEO, NY VOR/DME	4000
§ 95.6017 VOR FEDERAL AIRWAY V17		
IS AMENDED TO READ IN PART: GARDEN CITY, KS VORTAC *9000—MRA. **4600—MOCA.	*COFFE, KS FIX	**5500
§ 95.6023 VOR FEDERAL AIRWAY V23		
IS AMENDED TO READ IN PART: SACRAMENTO, CA VORTAC *1600—MOCA. GRIME, CA FIX *2000—MOCA. YUBBA, CA FIX *4000—MRA. **3400—MOCA. GRIDD, CA FIX *1700—MOCA.	GRIME, CA FIX YUBBA, CA FIX *GRIDD, CA FIX RED BLUFF, CA VORTAC	*2000 *4000 **4000 *3000
§ 95.6043 VOR FEDERAL AIRWAY V43		
IS AMENDED TO READ IN PART: #APPLETON, OH VORTAC #R-055 UNUSABLE.	TIVERTON, OH VOR/DME	3000
§ 95.6051 VOR FEDERAL AIRWAY V51		
IS AMENDED TO READ IN PART: NABB, IN VORTAC	SHELBYVILLE, IN VORTAC	3000
§ 95.6084 VOR FEDERAL AIRWAY V84		
IS AMENDED TO READ IN PART: BUFFALO, NY VOR/DME	GENESEO, NY VOR/DME	4000
§ 95.6113 VOR FEDERAL AIRWAY V113		
IS AMENDED TO READ IN PART: MUSTANG, NV VORTAC NICER, NV FIX *10600—MOCA. ROBUD, NV FIX *9000—MOCA.	NICER, NV FIX ROBUD, NV FIX SOD HOUSE, NV VORTAC	10300 *12000 *10000
§ 95.6171 VOR FEDERAL AIRWAY V171		
IS AMENDED TO READ IN PART: EMILS, MN FIX *3000—GNSS MEA. FARMINGTON, MN VORTAC *2500—MOCA. #*3000—GNSS MEA.	FARMINGTON, MN VORTAC JONNA, MN FIX	*5500 #*3500

From	To	MEA
JONNA, MN FIX	DARWIN, MN VORTAC	2900
§ 95.6184 VOR FEDERAL AIRWAY V184		
IS AMENDED TO READ IN PART: PANZE, NJ FIX	FALON, NJ FIX	#*5000
*1500—MOCA. #*2000—GNSS MEA.		
FALON, NJ FIX	ZIGGI, NJ FIX	*2500
*1600—MOCA.		
§ 95.6195 VOR FEDERAL AIRWAY V195		
IS AMENDED TO READ IN PART: WILLIAMS, CA VORTAC	JINGO, CA FIX	*3000
*2000—MOCA.		
JINGO, CA FIX	RED BLUFF, CA VORTAC	*3000
*1700—MOCA.		
§ 95.6208 VOR FEDERAL AIRWAY V208		
IS AMENDED TO READ IN PART: PACIF, CA FIX	OCEANSIDE, CA VORTAC	3000
§ 95.6221 VOR FEDERAL AIRWAY V221		
IS AMENDED TO READ IN PART: #HOOSIER, IN VORTAC	SHELBYVILLE, IN VORTAC	*6000
*3000—MOCA.		
#R-053 UNUSABLE.		
§ 95.6232 VOR FEDERAL AIRWAY V232		
IS AMENDED TO READ IN PART: CHARDON, OH VOR/DME	HAGAR, PA FIX	3300
HAGAR, PA FIX	FRANKLIN, PA VOR	3300
§ 95.6244 VOR FEDERAL AIRWAY V244		
IS AMENDED TO READ IN PART: *NIKOL, CA FIX	COALDALE, NV VORTAC	12500
*13000—MCA NIKOL, CA FIX, W BND.		
LAMAR, CO VORTAC	*COFFE, KS FIX	**9000
*9000—MRA.		
**5400—MOCA.		
§ 95.6292 VOR FEDERAL AIRWAY V292		
IS AMENDED TO READ IN PART: SAGES, NY FIX	*WIGAN, NY FIX	***10000
*4500—MRA.		
**6400—MOCA.		
#7000—GNSS MEA.		
WIGAN, NY FIX	BARNES, MA VORTAC	***10000
**4900—MOCA.		
#5000—GNSS MEA.		
BARNES, MA VORTAC	GLYDE, MA FIX	*7000
*2700—MOCA.		
#4000—GNSS MEA.		
§ 95.6365 VOR FEDERAL AIRWAY V365		
IS AMENDED TO READ IN PART: *BOZEMAN, MT VOR/DME	**MENAR, MT FIX	8700
*9300—MCA BOZEMAN, MT VOR/DME, SE BND.		
**9200—MCA MENAR, MT FIX, NW BND.		
MENAR, MT FIX	SWEDD, MT FIX	*10000
*9400—MOCA.		
§ 95.6434 VOR FEDERAL AIRWAY V434		
IS AMENDED TO READ IN PART: PEORIA, IL VORTAC	CHAMPLAIN, IL VORTAC	2800

From	To	MEA	
§ 95.6458 VOR FEDERAL AIRWAY V458			
IS AMENDED TO READ IN PART: PACIF, CA FIX	OCEANSIDE, CA VORTAC	3000	
§ 95.6523 VOR FEDERAL AIRWAY V523			
IS AMENDED TO READ IN PART: #APPLETON, OH VORTAC #R-055 UNUSABLE.	TIVERTON, OH VOR/DME	3000	
§ 95.6525 VOR FEDERAL AIRWAY V525			
IS AMENDED TO READ IN PART: #APPLETON, OH VORTAC #R-055 UNUSABLE.	TIVERTON, OH VOR/DME	3000	
§ 95.6536 VOR FEDERAL AIRWAY V536			
IS AMENDED TO READ IN PART: SWEDD, MT FIX *9200—MCA MENAR, MT FIX, NW BND. **9400—MOCA. MENAR, MT FIX *9300—MCA BOZEMAN, MT VOR/DME, SE BND.	*MENAR, MT FIX *BOZEMAN, MT VOR/DME	**10000 8700	
§ 95.6563 VOR FEDERAL AIRWAY V563			
IS AMENDED TO READ IN PART: LUBBOCK, TX VORTAC	BIG SPRING, TX VORTAC	5200	
§ 95.6351 ALASKA VOR FEDERAL AIRWAY V351			
IS ADDED TO READ: DILLINGHAM, AK VOR/DME	PORT HEIDEN, AK NDB/DME	3000	
§ 95.641 ALASKA VOR FEDERAL AIRWAY V414			
IS ADDED TO READ: GAMBELL, AK NDB	KUKULIAK, AK VOR	3000	
§ 95.6477 ALASKA VOR FEDERAL AIRWAY V477			
IS AMENDED TO READ IN PART: HUSLIA, AK VOR/DME *2500—MOCA. ATAGO, AK FIX DESOY, AK FIX	ATAGO, AK FIX E BND W BND DESOY, AK FIX SELAWIK, AK VOR/DME W BND E BND	*3500 *4000 4000 2500 4000	
§ 95.6619 ALASKA VOR FEDERAL AIRWAY V619			
IS ADDED TO READ: PORT HEIDEN, AK NDB/DME SALDO, AK NDB	SALDO, AK NDB DILLINGHAM, AK VOR/DME	4000 3000	
From	To	MEA	MAA
§ 95.7001 JET ROUTES			
§ 95.7211 JET ROUTE J211			
IS AMENDED TO READ IN PART: #YOUNGSTOWN, OH VORTAC #R-130 UNUSABLE ABOVE 24000.	JOHNSTOWN, PA VORTAC	18000	45000
From	To	Distance	From
§ 95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS V221			
IS AMENDED TO DELETE: HOOSIER, IN, VORTAC	SHELBYVILLE, IN, VORTAC	15	HOOSIER

[FR Doc. E8-20443 Filed 9-3-08; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT****24 CFR Part 206**

[Docket No. FR-5129-F-02]

RIN 2502-A149

**Home Equity Conversion Mortgages
(HECMs): Determination of Maximum
Claim Amount; and Eligibility for
Discounted Mortgage Insurance
Premium for Certain Refinanced HECM
Loans****AGENCY:** Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD.**ACTION:** Final rule.

SUMMARY: This final rule adopts, without change, an interim rule that made two technical changes to HUD's Home Equity Conversion Mortgage (HECM) program. First, the interim rule extended the date for calculating the maximum claim amount in the HECM program from the date of the underwriter's receipt of the appraisal report to the date of closing. This change provides a more easily verifiable and more easily identifiable date. Second, the interim rule corrected an unintended consequence that results in a situation where HECM loans that are not in default but have been assigned pursuant to regulatory provisions, and remain in effect, are not eligible to be refinanced with a discounted initial mortgage insurance premium (MIP). The interim rule permitted such HECM loans to be eligible for the discounted initial MIP upon refinancing, in accordance with the purpose of the HECM program, which is to improve the financial situation of elderly homeowners. HUD received one public comment in response to a solicitation of comments on the interim rule, which was supportive of the interim rule.

DATES: *Effective Date:* October 6, 2008.

FOR FURTHER INFORMATION CONTACT: James Beavers, Deputy Director, Single Family Program Development, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000; telephone number 202-708-2121 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:**I. Background**

The statutory and regulatory background to this rule is fully discussed in the preamble to the January 8, 2008, interim rule at 73 FR 1434-1435. HUD's Home Equity Conversion Mortgage (HECM) statute is at section 255 of the National Housing Act, 12 U.S.C. 1715z-20.

The January 2008 interim rule revised the point in time at which the appraised value of the property and the maximum dollar amount for an area under 12 U.S.C. 1709(b)(2) are compared to determine the maximum claim amount. The definition of "maximum claim amount" currently codified in HUD's regulations in 24 CFR 206.3 provides that both of these values "must be as of the date the Direct Endorsement Lender or Lender Insurance Underwriter receives the appraisal report." For reasons described in the January 8, 2008, interim rule, however, the date is changed to the date of loan closing.

The interim rule also addressed an issue in the HECM program in which refinanced HECM notes assigned to HUD under assignment provisions at § 206.107(a)(1) (election of assignment or shared premium option) and § 206.121(b) (assignment to HUD when the mortgagee is unable or unwilling to make payments to mortgagor), but not in default, could not be insured at the reduced initial mortgage insurance premium (MIP) rates applicable to refinanced HECM loans. The interim rule clarified that refinanced HECM loans in these categories are also eligible for mortgage insurance at the reduced rate.

II. This Final Rule

This final rule adopts the interim rule without change. The following provides a summary of the regulatory amendments made by the interim rule, and adopted without change by the final rule.

- The interim rule removed the second sentence of 24 CFR 206.3, and revised the first sentence to read:

Maximum claim amount means the lesser of the appraised value of the property, as determined by the appraisal used in underwriting the loan, or the maximum dollar amount for an area established by the Secretary for a one-family residence under section 203(b)(2) of the National Housing Act (as adjusted where applicable under section 214 of the National Housing Act) as of the date of loan closing.

- The interim rule revised the last sentence of § 206.53(a) to remove the term "presently" and clarify that the refinancing provisions apply to "existing" HECM loans, including those

assigned under §§ 206.107(a)(1) and 206.121(b).

III. Discussion of Public Comments

The public comment period on the January 8, 2008, interim rule closed on March 10, 2008. HUD received one comment, which supported the change made by the rule, and urged HUD to make other changes to the program regulations that would especially assist elderly minority homeowners. With no other issues for consideration at the final rule stage, HUD is adopting the interim rule without change.

IV. Findings and Certifications*Environmental Impact*

The final rule involves external administrative or fiscal requirements or procedures that are related to loan limits and rate or cost determinations and 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 rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule would not have a significant impact on entities, because the establishment of a date of maximum claim amount is an automated process and merely changing the date as of which the calculation is made imposes no additional burden on any entity. Allowing for discounted MIPs for refinancings provides a benefit to borrowers and presents no impact on any business entities.

Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule would not have federalism