

**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: December 28, 2010.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB Control number and should be sent to: Colette Pollard, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Room 4160, Washington, DC 20410–5000; telephone 202.402.3400, (this is not a toll-free number) or e-mail Ms. Pollard at [Colette\\_Pollard@hud.gov](mailto:Colette_Pollard@hud.gov). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339. (Other than the HUD USER information line and TTY numbers, telephone numbers are not toll-free.)

**FOR FURTHER INFORMATION CONTACT:** Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street, SW., (L'Enfant Plaza, Room 206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Additional information is provided at <http://www.hud.gov/offices/pih/programs/ph/cn/docs/2010-pre-notice.pdf>.

**SUPPLEMENTARY INFORMATION:** The Department will submit 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 of information 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 through 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:* FY 2010 Capital Fund Community and Education Training Facilities NOFA.

*OMB Control Number:* 2577–0268.

*Description of the need for the information and proposed use:* The Department of Housing and Urban Development Appropriations Act, 2010 (Pub. L. 111–117, enacted on December 16, 2009) permits the HUD Secretary to use up to \$40,000,000 of the Capital Fund appropriations for grant funding to develop facilities to provide early childhood education, adult education, and/or job training programs for public housing residents based on an identified need. PHAs may use funds for construction of new facilities, rehabilitation of existing facilities, or rehabilitation of vacant space. These facilities will offer comprehensive, integrated supportive services to help public housing residents achieve better educational and economic outcomes resulting in long-term economic self-sufficiency. The actual Notice of Funding Availability (NOFA) will contain the selection criteria for awarding Capital Fund Education and Training Community Facilities grants and specific requirements that will apply to selected grantees.

*Agency form number, if applicable:* HUD–2990 and HUD–50075.1.

*Members of affected public:* Local governments, public housing authorities, nonprofits, and for-project developers that apply jointly with a public entity.

*Estimation of the total number of hours needed to prepare the information collection including number of respondents:* The estimated number of respondents is 300 annually with one response per respondent. The average number for each response is 47.75 hours, for a total reporting burden of 14,325 hours.

*Status of the proposed information collection:* Extension of approved collection.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: October 21, 2010.

**Merrie Nichols-Dixon,**

*Acting Deputy Assistant Secretary Office of Policy, Programs, and Legislative Initiatives.*  
[FR Doc. 2010–27445 Filed 10–28–10; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5375–N–42]

### Federal Property Suitable as Facilities to Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**DATES:** *Effective Date:* October 29, 2010.

**FOR FURTHER INFORMATION CONTACT:** Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: October 21, 2010.

**Mark R. Johnston,**

*Deputy Assistant Secretary for Special Needs.*

[FR Doc. 2010–27072 Filed 10–28–10; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### National Environmental Policy Act (NEPA) Implementing Procedures

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Notice of Change to the Departmental Manual.

**SUMMARY:** The U.S. Department of the Interior (DOI) has amended its Departmental Manual (DM) by adding a new chapter to provide supplementary requirements for implementing the National Environmental Policy Act (NEPA) within the Department's Office

of Native Hawaiian Relations. The change to the DM was published in the **Federal Register** on December 3, 2009. No comments were received on the DM change. By publishing these changes in the **Federal Register**, DOI intends to promote greater transparency and accountability to the public and enhance cooperative conservation.

**DATES:** The Departmental Manual change will take effect on November 29, 2010.

**FOR FURTHER INFORMATION CONTACT:** Ka'iini Kaloi, Director; Office of Native Hawaiian Relations; 1849 C Street, NW.; Washington, DC 20240. Telephone: 202-513-0712. E-mail: [kaiini.kaloi@ios.doi.gov](mailto:kaiini.kaloi@ios.doi.gov).

**SUPPLEMENTARY INFORMATION:** Congress passed the Hawaiian Homes Commission Act (HHCA) in 1921, creating the Commission and designating approximately 200,000 acres available to rehabilitate the indigenous Hawaiian population by providing them with access to farm and homestead land. Under section 204(3) of the HHCA, ch. 42, 42 Stat. 110 (1921), all available lands were to become Hawaiian home lands under control of the Commission, provided that "such lands should assume the status of the Hawaiian home lands until the Commission, with the approval of the Secretary of the Interior makes the selection and gives notice thereof to the Commissioner of Public Lands." 42 Stat. 110 (1921).

Thirty-three years later, Congress passed the Act of June 18, 1954, ch. 319, 68 Stat. 262, which amended the HHCA, adding a new subsection 204(4) "to permit the [Commission] to exchange available lands as designated by the Act, for public land of equal value." H.R. Rep. No. 1517, 83d Cong., 2d Sess. (1954); S. Rep. No. 1486, 83d Cong., 2d Sess. 2 (1954). The new section 204(4), provided that "the Commission may with the approval of the Governor (Governor approval no longer required) and the Secretary of the Interior, in purposes of this Act, exchange title to available lands for land publicly owned, of equal value." 68 Stat. 262 (1954). Hence, it was clear Congress intended the Commission would not have the authority to consummate any land exchange without secretarial approval.

After Hawaii was admitted to the Union in 1959, the responsibility for the administration of the Hawaiian home lands was transferred to the State of Hawaii. Section 4 of the Hawaiian Admission Act, Public Law 86-3, 73 Stat. 5 (1959), 48 U.S.C. nt. Prec. § 491 (1982) provides: "[a]s a compact with the United States relating to the

management and disposition of the Hawaiian Home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of such State." Thus, secretarial approval remained necessary before the Commission was empowered to conduct land exchanges.

In 1995, Congress again iterated its intent to have the Secretary provide oversight of land exchanges occurring under the auspices of the HHCA. The Hawaiian Home Lands Recovery Act of 1995 (HHLRA), Public Law 104-42, 109 Stat. 357, gave oversight responsibilities to the Secretary of the Department of Interior to ensure that real property under the HHCA is, among other things, administered in a manner which best serves the interests of the beneficiaries.

The words of section 204(3) of the HHCA make clear that a land exchange is not valid until it has been approved by the Secretary (or his designee), but does not suggest that the Secretary is required to approve every land exchange placed before him. Indeed, the Secretary must at a minimum, satisfy himself that either of the purposes set forth in section 204(3) is met (*i.e.*, that the exchange would consolidate Homes Commission holdings, or that it would help to "better effectuate" the purposes of the Homes Commission Act), and that the lands proposed for exchange are "of an equal value". Each of these elements requires the exercise of judgment, most particularly the element of equal value for land valuations can be highly subjective and land appraisals are understood to represent an art, not a science. Because the discharge of the responsibility placed on the Secretary is discretionary and not ministerial, approval of a land exchange is subject to NEPA. In general, section 102(2)(C) of NEPA, 42 U.S.C. 4332(2)(C) provides that a "detailed statement" must be prepared whenever a major Federal action will have a significant impact on the quality of the human environment. Accordingly, the new chapter to provide supplementary requirements for implementing NEPA within the Department's Office of Native Hawaiian Relations includes: A definition of the Office of Native Hawaiian Relations' NEPA responsibilities; guidance to the Department of Hawaiian Home Lands as to when NEPA is triggered and who maintains responsibility for compliance; guidance as to when an action would normally require the development of an Environmental Impact Statement (EIS) or Environmental Assessment (EA); and guidance as to when an action can be categorically excluded under NEPA.

## Compliance Statements

### 1. Regulatory Planning and Review (E.O. 12866)

This document is not a significant policy change and the Office of Management and Budget has not reviewed this Departmental Manual change under Executive Order 12866.

We have made the assessments required by E.O. 12866 and have determined that this departmental policy: (1) Will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities.

(2) Will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) Does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) Does not raise novel legal or policy issues.

### 2. Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### 3. Small Business Regulatory Enforcement Fairness Act (SBREFA)

This departmental manual change is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. OMB made the determination that this departmental manual change:

a. Does not have an annual effect on the economy of \$100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

### 4. Unfunded Mandates Reform Act

This departmental manual change does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

#### 5. Takings (E.O. 12630)

Under the criteria in Executive Order 12630, this departmental manual change does not have significant takings implications. A takings implication assessment is not required.

#### 6. Federalism (E.O. 13132)

Under the criteria in Executive Order 13132, this departmental manual change does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. A Federalism summary impact statement is not required.

#### 7. Consultation with Indian Tribes (E.O. 13175)

Under the criteria in Executive Order 13175, we have evaluated this departmental manual change and determined that it has no potential effects on Federally recognized Indian Tribes since Native Hawaiians are not a Federally recognized Indian Tribe.

#### 8. National Environmental Policy Act

The CEQ does not direct agencies to prepare a NEPA analysis or document before establishing agency procedures that supplement the CEQ regulations for implementing NEPA. Agency NEPA procedures are procedural guidance to assist agencies in the fulfillment of agency responsibilities under NEPA, but are not the agency's final determination of what level of NEPA analysis is required for a particular proposed action. The requirements for establishing agency NEPA procedures are set forth at 40 CFR 1505.1 and 1507.3. The determination that establishing agency NEPA procedures does not require NEPA analysis and documentation has been upheld in *Heartwood, Inc. v. U.S. Forest Service*, 73 F. Supp. 2d 962, 972–73 (S.D. III. 1999), aff'd 230 F.3d 947, 954–55 (7th Cir. 2000).

#### 9. Paperwork Reduction Act

This change to the U.S. Department of the Interior Departmental Manual does not contain information collection requirements, and a submission under the Paperwork Reduction Act (PRA) is not required.

**Willie R. Taylor,**

*Director, Office of Environmental Policy and Compliance.*

For the reasons stated in the preamble, the Department of the Interior has amended its Departmental Manual by adding a new chapter to provide supplementary requirements for implementing provisions of 516 DM 1 through 4 within the Department's

Office of Native Hawaiian Relations, as set forth below:

#### **PART 516: NATIONAL ENVIRONMENTAL POLICY ACT OF 1969**

##### *Chapter 7: MANAGING THE NEPA PROCESS—OFFICE OF NATIVE HAWAIIAN RELATIONS*

**7.1 Purpose.** This Chapter provides supplementary requirements for implementing provisions of the Department's NEPA regulations at 43 CFR part 46 and the provisions of 516 DM 1 through 3 [previously 516 DM 1 through 6] within the Department's Office of Native Hawaiian Relations.

##### **7.2 NEPA Responsibility.**

A. The Director of the Office of Native Hawaiian Relations (OHR) is responsible for NEPA compliance for OHR activities.

B. The Director of the Office of Native Hawaiian Relations, in conjunction with the Office of Environmental Policy Compliance, provides direction and oversight for environmental activities, including the implementation of NEPA.

C. The OHR may request the Department of Hawaiian Home Lands (DHHL) to assist in preparing NEPA documentation for a proposed action submitted by the Secretary.

##### **7.3 Guidance to DHHL.**

A. Actions Proposed by the Department of Hawaiian Home Lands requiring OHR or other Federal approval.

(1) OHR retains sole responsibility and discretion in all NEPA compliance matters related to the proposed action, although the Director of OHR may request the DHHL to assist in preparing all NEPA documentation.

B. Actions proposed by the Department of Hawaiian Home Lands not requiring Federal approval, funding, or official actions, are not subject to NEPA requirements.

**7.4 Actions Normally Requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS) if these activities are connected to a land exchange requiring the Secretary's approval.**

A. The following actions require preparation of an EA or EIS:

(1) Actions not categorically excluded; or

(2) Actions involving extraordinary circumstances as provided in 43 CFR Part 46.215.

B. Actions not categorically excluded or involving extraordinary circumstances as provided in 43 CFR Part 46.210, will require an EA when:

(1) An EA will be used in deciding whether a finding of no significant

impact is appropriate, or whether an EIS is required prior to implementing any action.

(2) The action is not being addressed by an EIS.

C. If an EA is prepared, it will comply with the requirements of 43 CFR part 46 subpart D.

D. The following actions normally require the preparation of an Environmental Impact Statement (EIS):

(1) Proposed water development projects which would inundate more than 1,000 acres of land, or store more than 30,000 acre-feet of water, or irrigate more than 5,000 acres of undeveloped land.

(2) Construction of a treatment, storage or disposal facility for hazardous waste or toxic substances.

(3) Construction of a solid waste facility.

E. If an EIS is prepared, it will comply with the requirements of 43 CFR part 46 subpart E.

**7.5 Categorical Exclusion.** In addition to the actions listed in the Departmental categorical exclusions specified in section 43 CFR 46.210, the following action is categorically excluded unless any of the extraordinary circumstances in section 43 CFR 46.215 apply, thus requiring an EA or an EIS. This activity is a single, independent action not associated with larger, existing or proposed complexes or facilities.

A. Approval of conveyances, exchanges and other transfers of land or interests in land between DHHL and an agency of the State of Hawaii or a Federal agency, where no change in the land use is planned.

[FR Doc. 2010–27356 Filed 10–28–10; 8:45 am]

**BILLING CODE 4310-RG-P**

## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Ocean Energy Management, Regulation and Enforcement**

[Docket No. BOEM–2010–0050]

#### **BOEMRE Information Collection Activity: 1010–0043, Oil and Gas Well-Workover Operations, Extension of a Collection; Submitted for Office of Management and Budget (OMB) Review; Comment Request**

**AGENCY:** Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

**ACTION:** Notice of extension of an information collection (1010–0043).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that