

this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502-0108) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction

Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Monthly Reports for Establishing Income.

OMB Approval Number: 2502-0108.

Form Numbers: HUD-93479, 93480, 93481.

Description of the Need for the Information and Its Proposed Use: Accounting reports submitted by selected owners/agents of multifamily projects used to monitor compliance with contractual agreements and to analyze cash flow trends as well as occupancy and rent collection levels. Alert field staff to need for remedial actions to correct deficiencies or need for more aggressive servicing action.

Respondents: Business or other for-profit, Not-for-profit institutions.

Frequency of Submission: Monthly and Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hour per response	=	Burden hours
Monthly Reports	4,000		12		3.5		168,000

Total Estimated Burden Hours: 168,000.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: December 15, 2000.

Wayne Eddins,

*Departmental Reports Management Officer,
Office of the Chief Information Officer.*

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**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-4561-N-81]

**Notice of Submission of Proposed
Information Collection to OMB; 24 CFR
Part 570—Community Development
Block Grant Entitlement Program**

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been 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:* January 22, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2506-0077) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the

information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: 24 CFR Part 570—Community Development Block Grant Entitlement Program..

OMB Approval Number: 2506-0077.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: Entitlement grantees are required to retain records on the use of CDBG funds and to submit an annual performance and evaluation report. Information previously submitted on GPR will now be submitted in the CAPER.

Respondents: State, Local or Tribal Government.

Frequency of Submission: Annually.

Reporting Burden:

Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
1,008		1		430		434,040

Total Estimated Burden Hours:
434,040.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: December 15, 2000.

Wayne Eddins,

*Departmental Reports Management Officer,
Office of the Chief Information Officer.*

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 001215356-0356-01 and I.D. 100500A]

RIN 1018-AH42

Notice of Proposed Interagency Policy on the Prescription of Fishways Under Section 18 of the Federal Power Act

AGENCIES: U.S. Fish and Wildlife Service, Interior, and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of proposed policy.

SUMMARY: This notice invites public comment on proposed internal policy for the U.S. Fish and Wildlife Service and National Marine Fisheries Service (the Services) regarding the prescription of fishways pursuant to section 18 of the Federal Power Act for non-Federal hydropower projects licensed by the Federal Energy Regulatory Commission (FERC). The proposed policy is intended to set forth the definition of fishways in accordance with the 1992 National Energy Policy Act and the procedures for the prescription of fishways. The policy does not introduce new procedures but standardizes current practices and existing procedures for providing fishway prescriptions.

DATES: Written comments must be received on or before February 20, 2001.

ADDRESSES: Comments should be sent to, and copies of applicable documents are available from, the Chief, Division of

Federal Program Activities (400 ARLSQ), U.S. Fish and Wildlife Service, 1849 C Street, NW, Washington, DC 20240 or the Director, Office of Habitat Conservation, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3282.

FOR FURTHER INFORMATION CONTACT: Dr. Benjamin N. Tuggle, Chief, Division of Federal Program Activities, telephone: 703/358-2161, or Dr. Stephen M. Waste, Office of Habitat Conservation, National Marine Fisheries Service, telephone: 301/713-2325.

SUPPLEMENTARY INFORMATION:

Background

The Department of the Interior, acting through the Fish and Wildlife Service (FWS), and the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), acting through the National Marine Fisheries Service (NMFS), are the Federal Departments primarily responsible for the conservation and management of the Nation's fish and wildlife resources. The FWS has broad responsibilities to conserve, protect, and enhance fish, wildlife, and their habitats under authorities granted by the Fish and Wildlife Act of 1956 (FWA) (16 U.S.C. 742a-742j, not including 742 d-1; 70 Stat.1119); the Fish and Wildlife Coordination Act (FWCA) (16 U.S.C. 661 *et seq.*); the Federal Power Act (FPA) (16 U.S.C. 791a *et seq.*); and the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*). NMFS has Federal responsibilities for marine, estuarine, and anadromous fish resources pursuant to the FPA, the ESA, and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*), and Reorganization Plan Number 4 of 1970.

Section 18 of the FPA (16 U.S.C. 811) expressly grants to the Departments of Commerce and Interior (Departments) exclusive authority to prescribe fishways. Section 18 states that FERC must require construction, maintenance, and operation by a licensee at its own expense of such fishways as may be prescribed by the Secretary of Commerce or the Secretary of the Interior. Fishways prescribed under section 18 of the FPA by the Departments are mandatory upon FERC for inclusion in license conditions. Within the Department of the Interior, the authority to prescribe fishways is delegated from the Secretary of the

Interior to the FWS Regional Directors. Within the Department of Commerce, the authority to prescribe fishways is delegated to the NMFS Regional Administrators. Therefore, the FWS develops all fishway prescriptions issued by the Department of the Interior under section 18, and NMFS develops all of the Department of Commerce's fishway prescriptions.

Discussion

The National Energy Policy Act of 1992, section 1701(b), rescinded FERC's definition of fishways. Through this proposed policy, the Services take this opportunity to define fishways. This proposed policy also sets forth the general agency practice for developing fishway prescriptions, and encourages license participants to anticipate fish passage needs and the Services' procedures. This policy does not introduce new procedures but standardizes current practices to ensure a consistent and effective process. The policy does not expand the authorities of the Departments or the Services beyond those that currently exist and does not place additional requirements on anyone outside the Departments beyond those that already exist in the FPA and FERC's regulations under the FPA at 18 CFR, Chapter I.

Additionally, the courts have recently addressed several section 18 issues that affect the Services' implementation of the fishway prescription process. In following *Escondido Mutual Water Co., et al. v. La Jolla Band of Mission Indians et al.* 466 U.S. 765 (1984), the courts have continued to hold that the exercise by the Secretaries' authority under section 18 is mandatory and requires inclusion of fishway prescriptions in any license issued by FERC. (*Bangor-Hydroelectric Co., Inc. v. FERC*, 78 F.3d 659 (D.C.Cir. 1996); *American Rivers, Inc. v. FERC*, 129 F.3d 99 (2nd Cir. 1997); *American Rivers v. FERC*, 187 F.3d 1007 [9th Cir. 1999]). The Services' fishway prescriptions must be supported by substantial evidence in the administrative record before FERC and be reasonably related to the Services' fish passage goals. (*Bangor-Hydroelectric Co., Inc. v. FERC*, 78 F.3d 659 (D.C.Cir. 1996).)

On September 1, 1994, NMFS and FWS published an "Advanced Notice of Proposed Rulemaking (ANPR) for Prescribing Fishways Under section 18 of the Federal Power Act" in the