

assessing the potential vulnerabilities of the location of the proposed facility to terrorist attack.

Within ten (10) days after acceptance and docketing of an application, the NRC will provide the DHS with the application and any other information it deems relevant. The NRC will communicate promptly any schedule delay.

Within 90 days of receipt of the application materials, the DHS will respond to the NRC in writing. This response will include any and all DHS comments concerning the potential vulnerabilities of the location of the proposed facility to terrorist attack. If within 60 days of receipt of the application materials the DHS anticipates that it cannot complete its review within the 90-day time frame, the DHS will contact the NRC to discuss a mutually agreeable date by which it will respond to the NRC's request for consultation.

The NRC and the DHS recognize that certain portions of the information exchanged pursuant to this Memorandum of Understanding may be Safeguards Information in accordance with section 147 of the Atomic Energy Act of 1954, as amended; classified information; or other sensitive information that must be properly identified and protected from public disclosure in accordance with applicable requirements.

**IV. Working Arrangements**

The NRC Point of Contact for this agreement is: Team Leader, New Reactor Security Team, Reactor Security Branch, NSIR.

The DHS Point of Contact for this agreement is: Lead, Nuclear Sector Branch, CNPPD.

**V. Funding**

All activities pursuant to this MOU are subject to the availability of appropriated funds and each agency's budget priorities.

**VI. Memorandum of Understanding**

This MOU shall not be construed to provide a private right of action for or by any person or entity.

This MOU is effective upon signature by both parties. It will remain in effect until terminated by one of the parties following 30 days advance written notice to the other party.

Modifications to this MOU may be made by written agreement of both parties.

Approved for the U.S. Nuclear Regulatory Commission.

Dated: December 8, 2006.

**Luis A. Reyes,**  
*Executive Director for Operations.*

Approved for the Department of Homeland Security.

Dated: February 20, 2007.

**Robert B. Stephan,**  
*Assistant Secretary for Infrastructure Protection.*

[FR Doc. 07-1006 Filed 3-5-07; 8:45 am]

**BILLING CODE 7590-01-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5117-N-22]

**Notice of Submission of Proposed Information Collection to OMB; Allocation of Operating Subsidies Under the Operating Fund Formula: Data Collection (Subsidy and Grant Information System (SAGIS) Automated Collections)**

**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.

Public Housing Agencies (PHAs) use this information in budget submissions which are reviewed and approved by HUD field offices as the basis for obligating operating subsidies. This information is necessary to calculate the eligibility for operating subsidies under the Operating Fund Program regulation, as amended. The Operating Fund Program is designed to provide the amount of operating subsidy that would be needed for well-managed PHAs.

**DATES:** *Comments Due Date:* April 5, 2007.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2577-0029) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-6974.

**FOR FURTHER INFORMATION CONTACT:** Lillian Deitzer, Departmental Reports

Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian\_L\_Deitzer@HUD.gov* or telephone (202) 708-2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm*.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting 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 technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

*Title of Proposal:* Allocation of Operating Subsidies under the Operating Fund Formula: Data Collection (Subsidy and Grant Information System (SAGIS) automated collections).

*OMB Approval Number:* 2577-0029.

*Form Numbers:* HUD-52722, HUD-52723 and HUD-53087.

*Description of the Need for the Information and Its Proposed Use:* Public Housing Agencies (PHAs) use this information in budget submissions which are reviewed and approved by HUD field offices as the basis for obligating operating subsidies. This information is necessary to calculate the eligibility for operating subsidies under the Operating Fund Program regulation, as amended. The Operating Fund Program is designed to provide the amount of operating subsidy that would be needed for well-managed PHAs.

*Frequency of Submission:* Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden .....	3,141	5		0.7		11,723

*Total Estimated Burden Hours:*  
11,723.

*Status:* Revision of a currently approved collection.

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

Dated: February 28, 2007.

**Lillian L. Deitzer,**

*Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.*

[FR Doc. E7-3805 Filed 3-5-07; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4889-N-09]

### Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts for Section 42 of the Internal Revenue Code of 1986: Revision of Definition of Effective Date

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Notice.

**SUMMARY:** This notice revises the definition of "effective date" in a notice published in the **Federal Register** on September 28, 2006, designating "Difficult Development Areas" (DDAs) and "Qualified Census Tracts" (QCTs) for purposes of the Low-Income Housing Tax Credit (LIHTC) under section 42 of the Internal Revenue Code of 1986 (the Code) (26 U.S.C. 42). HUD is responsible for designating DDAs and QCTs annually. The September 28, 2006, notice provided a definition of "effective date" that is revised by this notice to define "multiphase" LIHTC projects and to specify how such projects are to be treated when DDA or QCT designations change between phases.

**FOR FURTHER INFORMATION CONTACT:** For questions on how areas are designated, on geographic definitions, and on the new provisions for multiphase projects, contact Michael K. Hollar, Economist, Economic Development and Public Finance Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-6000, telephone (202) 402-5878, or send an e-mail to [Michael\\_K\\_Hollar@hud.gov](mailto:Michael_K_Hollar@hud.gov). For specific legal questions pertaining to Section 42, contact Branch 5, Office of the Associate Chief Counsel, Passthroughs and Special Industries, Internal Revenue Service, 1111

Constitution Avenue, NW., Washington, DC 20224, telephone (202) 622-3040. For questions about the "HUB Zones" program, contact Michael P. McHale, Assistant Administrator for Procurement Policy, Office of Government Contracting, Small Business Administration, 409 Third Street, SW., Suite 8800, Washington, DC 20416, telephone (202) 205-8885, fax (202) 205-7167, or send an e-mail to [hubzone@sba.gov](mailto:hubzone@sba.gov). A text telephone is available for persons with hearing or speech impairments at (202) 708-9300. (These are not toll-free telephone numbers.) Additional copies of this notice are available through HUD User at (800) 245-2691 for a small fee to cover duplication and mailing costs.

*Copies Available Electronically:* This notice and additional information about DDAs and QCTs are available electronically on the Internet at <http://www.huduser.org/datasets/qct.html>.

#### SUPPLEMENTARY INFORMATION:

##### This Document

This notice revises the definition of "effective date" in a notice published in the **Federal Register** on September 28, 2006 (71 FR 57234). That notice designated DDAs and QCTs for purposes of the LIHTC, as governed by section 42 of the Code (Section 42). HUD is responsible for designating DDAs and QCTs annually, and, at this time, is revising the definition of "effective date" provided in the September 28, 2006, notice (see 71 FR 57238) to define "multiphase" LIHTC projects and specify how such projects are to be treated when DDA or QCT designations change between phases. In addition, this notice clarifies what is meant by "certified in writing" for purposes of demonstrating compliance with effective dates for DDA and QCT designations. This notice does not change the designations of DDAs and QCTs in the September 28, 2006, notice.

##### Background

The U.S. Department of the Treasury (Treasury) and its Internal Revenue Service (IRS) are authorized to interpret and enforce the provisions of the Internal Revenue Code (the Code), including the LIHTC found at Section 42 of the Code. The requirement for HUD to designate DDAs and QCTs is found in Section 42(d)(5)(C) of the Code. State and local LIHTC-allocating agencies are responsible for allocating LIHTC to eligible projects according to approved Qualified Allocation Plans (QAPs). Most LIHTC-allocating agencies include in their QAPs a limitation on the amount of LIHTC that may be awarded to a particular applicant,

project, and/or location in any year. When applicants plan LIHTC-financed developments that would require amounts of LIHTC in excess of the individual allocation limits defined in the applicable QAP (or in smaller states, that are larger than the annual per capital credit allocation authority), they are forced to divide their developments, and their LIHTC applications, into phases over 2 or more years in order to obtain all the tax credits needed to complete the project. If such developments are located in DDAs or QCTs, there is a possibility that the location of the development may lose its DDA/QCT status after the first phase has been allocated LIHTC, but before subsequent phases have received their allocation or applied for LIHTC. As the financing for developments in these situations is generally predicated on the additional LIHTC available because of the developments' location in DDAs/QCTs, the subsequent phases may become infeasible.

HUD's intent in revising designations of DDAs and QCTs is to direct scarce public resources, in the form of additional LIHTC subsidy, to projects in those locations with the greatest need for this additional subsidy as defined by statute. However, HUD does not intend for these changes in designations to ultimately prevent the development of affordable housing, particularly in cases where developments have been required to be done in phases by LIHTC-allocating agency limits on annual allocation amounts to individual applicants.

HUD, therefore, is establishing in this notice a definition of "multiphase projects" and specifying how effective dates in its notices designating DDAs and QCTs are to be applied to such projects. In addition, HUD is clarifying what is meant by "certified in writing" for purposes of demonstrating compliance with effective dates for DDA and QCT designations.

##### Definition of "Multiphase Projects" and Applicability of Effective Date

For purposes of this notice, a "multiphase project" is defined as a set of buildings to be constructed or rehabilitated under the rules of the LIHTC and meeting the following criteria as certified in writing by the applicable LIHTC-allocating agency:

(1) In the first application for tax credit, the applicant must include an indication of the multiphase nature of the project (*i.e.*, the applicant's intent to make future applications for LIHTC because of QAP limitations, or agency allocation authority ceilings, for buildings located on a site, as defined