

quality concerns in the area; the type of agricultural operation; and parcel size. All FRPP easements must include language limiting the amount of impervious surfaces within the easement area.

(j) The conservation easement deed must include an indemnification clause requiring the landowner (grantor) to indemnify and hold harmless the United States from any liability arising from or related to the property enrolled in FRPP.

(k) The conservation easement deed must include an amendment clause requiring that any changes to the easement deed after its recordation must be consistent with the purposes of the conservation easement and this part.

### Subpart C—General Administration

#### § 1491.30 Violations and remedies.

(a) In the event of a violation of the terms of the easement, the eligible entity shall notify the landowner. The landowner may be given reasonable notice and, where appropriate, an opportunity to voluntarily correct the violation in accordance with the terms of the conservation easement.

(b) In the event that the entity fails to enforce any of the terms of the conservation easement, as determined in the sole discretion of the Chief, the Chief and his or her successors or assigns may exercise the United States' rights to enforce the terms of the conservation easement through any and all authorities available under Federal or State law.

(c) Notwithstanding paragraph (a) of this section, NRCS, upon notification to the landowner, reserves the right to enter upon the easement area at any time to monitor conservation plan implementation or remedy deficiencies or easement violations, as it relates to the conservation plan. The entry may be made at the discretion of NRCS when the actions are deemed necessary to protect highly erodible soils and wetland resources. The landowner will be liable for any costs incurred by the NRCS as a result of the landowner's negligence or failure to comply with the easement requirements as it relates to conservation plan violations.

(d) The United States shall be entitled to recover any and all administrative and legal costs from the participating entity, including attorney's fees or expenses, associated with any enforcement or remedial action as it relates to the enforcement of the FRPP easement.

(e) In instances where an easement is terminated or extinguished, NRCS shall collect CCC's share of the conservation

easement based on the appraised fair market value of the conservation easement at the time the easement is extinguished or terminated. CCC's share shall be in proportion to its percentage of original investment.

(f) In the event NRCS determines it must exercise the United States' right to enforce the terms of, or taking a property interest in, the conservation easement, NRCS shall provide written notice by certified mail to the grantee at the grantee's last known address. The notice will set forth the nature of the noncompliance by the grantee and a 60-day period to cure. If the grantee fails to cure within the 60-day period, the United States shall take the action specified under the notice. The United States reserves the right to decline to provide a period to cure if NRCS determines that imminent harm may result to the conservation easement deed or the conservation values it seeks to protect.

#### § 1491.31 Appeals.

(a) A person or eligible entity which has submitted an FRPP proposal and is therefore participating in FRPP may obtain a review of any administrative determination concerning eligibility for participation utilizing the administrative appeal regulations provided in 7 CFR part 614.

(b) Before a person or eligible entity may seek judicial review of any administrative action taken under this part, the person or eligible entity must exhaust all administrative appeal procedures set forth in paragraph (a) of this section, and for the purposes of judicial review, no decision shall be a final Agency action except a decision of the Chief of the NRCS under these provisions.

(c) Enforcement action undertaken by the NRCS in furtherance of its vested property rights are under the jurisdiction of the Federal District Court and not subject to review under administrative appeal regulations.

#### § 1491.32 Scheme or device.

(a) If it is determined by the NRCS that a cooperating entity has employed a scheme or device to defeat the purposes of this part, any part of any program payment otherwise due or paid such a cooperating entity during the applicable period may be withheld or be required to be refunded with interest thereon, as determined appropriate by NRCS on behalf of CCC.

(b) A scheme or device includes, but is not limited to, coercion, fraud, misrepresentation, depriving any other person or entity of payments for easements for the purpose of obtaining

a payment to which a person would otherwise not be entitled.

Signed this 9th day of 2009 in Washington, DC.

**Arlen L. Lancaster,**

*Vice President, Commodity Credit Corporation and Chief, Natural Resources Conservation Service.*

[FR Doc. E9-829 Filed 1-15-09; 8:45 am]

BILLING CODE 3410-16-P

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1779

### Rural Housing Service

#### 7 CFR Part 3575

### Rural Business—Cooperative Service

### Rural Utilities Service

#### 7 CFR Parts 4279 and 4280

### Rural Business—Cooperative Service

### Rural Housing Service

### Rural Utilities Service

#### 7 CFR Part 5001

[FR Doc. E8-29151]

RIN 0570-AA65

### Rural Development Guaranteed Loans

**AGENCIES:** Rural Business—Cooperative Service, Rural Housing Service, Rural Utilities Service, USDA.

**ACTION:** Interim rule; delay of the effective date.

**SUMMARY:** Rural Development is delaying the effective date of the interim rule for Rural Development Guaranteed Loans, which was published on December 17, 2008. The interim rule establishes a unified guaranteed loan platform for the enhanced delivery of four existing Rural Development guaranteed loan programs—Community Facility; Water and Waste Disposal; Business and Industry; and Renewable Energy Systems and Energy Efficiency Improvement Projects.

**DATES:** This effective date of the interim rule, published on December 17, 2008 [73 FR 76698], is delayed from January 16, 2009, until February 17, 2009.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Foore, Rural Development, Business and Cooperative Programs, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 3201,

Washington, DC 20250-3201; e-mail: Michael.Foore@wdc.usda.gov; telephone (202) 690-4730.

**SUPPLEMENTARY INFORMATION:** Rural Development has identified a technical error associated with the publication of the interim rule, in which 7 CFR Parts 1779 and 3575 were mistakenly repealed. These two parts, which are the regulations for the Community Facilities and Water and Waste Disposal guaranteed loan programs, should not have been repealed at this time because, in part, there are other Community Facilities and Water and Waste Disposal regulations that cross-reference these two parts. Rural Development considered publishing a technical correction notice to reinstate these two regulations. Due to time constraints for publication in the **Federal Register** prior to the effective date of January 16, 2009, there was insufficient time for full consideration of these technical corrections. Therefore, Rural Development determined that the best course of action was to delay the effective date of the interim rule by 30 days.

Dated: January 9, 2009.

**Doug Faulkner,**

*Acting Under Secretary for Rural Development.*

[FR Doc. E9-813 Filed 1-15-09; 8:45 am]

**BILLING CODE 3410-XY-P**

**DEPARTMENT OF HOMELAND SECURITY**

**8 CFR Parts 103 and 299**

[CIS No. 2074-00; DHS Docket No. USCIS-2005-0013]

RIN 1615-AB19

**Establishment of a Genealogy Program; Correcting Amendment**

**AGENCY:** U.S. Citizenship and Immigration Services, DHS.

**ACTION:** Correcting amendment.

**SUMMARY:** With this amendment, the Department of Homeland Security (DHS) corrects an inadvertent error in the amendatory language from the Establishment of a Genealogy Program Final Rule published in the **Federal Register** on May 15, 2008.

**DATES:** This correction is effective January 16, 2009.

**FOR FURTHER INFORMATION CONTACT:** Lynda Spencer, Genealogy Program, U.S. Citizenship and Immigration Services, Department of Homeland Security, 1200 First Street, NE., 2nd Floor, Washington, DC 20529-2206, telephone (202) 272-8282.

**SUPPLEMENTARY INFORMATION:**

**Need for Correction**

On May 15, 2008, the Department of Homeland Security (DHS) published a final rule in the **Federal Register** at 73 FR 28026 establishing a fee-for-service Genealogy Program within U.S. Citizenship and Immigration Services (USCIS) to streamline and improve the process for acquiring historical records of deceased individuals. There was an inadvertent error in that document. In the amendatory language for amendment 2b at 73 FR 28030, DHS inadvertently revised the fifth sentence to 8 CFR 103.7(c)(1) instead of the sixth sentence. As a result the fifth sentence in 8 CFR 103.7(c)(1) is incorrect. This document corrects the error.

**List of Subjects**

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of Information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 299

Immigration, Reporting and recordkeeping requirements.

■ Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

**PART 103—POWERS AND DUTIES; AVAILABILITY OF RECORDS**

■ 1. The authority citation for part 103 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1101, 1103, 1304, 1356; 31 U.S.C. 9701; Public Law 107-296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*), E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

■ 2. Section 103.7(c)(1) is amended by revising the fifth and sixth sentences to read as follows:

**§ 103.7 Fees.**

\* \* \* \* \*

(c) \* \* \*

\* \* \* The payment of the additional sum prescribed by section 245(i) of the Act when applying for adjustment of status under section 245 of the Act may not be waived. The fees for Form I-907, Request for Premium Processing Services, and for Forms G-1041 and G-1041A, Genealogy Program request forms, may not be waived.

\* \* \* \* \*

Dated: January 13, 2009.

**Michael Aytes,**

*Acting Deputy Director.*

[FR Doc. E9-912 Filed 1-15-09; 8:45 am]

**BILLING CODE 9111-97-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Bureau of Customs and Border Protection**

**8 CFR Parts 100, 212, 214, 215, 233, and 235**

**19 CFR Parts 4 and 122**

[USCBP-2009-0001; CBP Dec. No. 09-02]

RIN 1651-AA77

**Establishing U.S. Ports of Entry in the Commonwealth of the Northern Mariana Islands (CNMI) and Implementing the Guam-CNMI Visa Waiver Program**

**AGENCY:** Customs and Border Protection, DHS.

**ACTION:** Interim final rule; solicitation of comments.

**SUMMARY:** Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA) extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending U.S. Customs and Border Protection (CBP) regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. Accordingly, this interim final rule sets forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa for a period of authorized stay of no longer than forty-five days. In addition, this rule establishes six ports of entry in the CNMI in order to administer and enforce the Guam-CNMI Visa Waiver Program and to allow for immigration inspections in the CNMI, including arrival and departure controls, under the Immigration and Nationality Act (INA).

**DATES: Effective Date:** This interim final rule is effective January 16, 2009.

**Implementation Date:** Beginning June 1, 2009, Customs and Border Protection (CBP) will begin operation of this program and required compliance with this interim final rule will begin. The existing Guam Visa Waiver Program