

Authority To Grant Waivers

The Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Pub. L. 108-324, approved October 13, 2004) (the Act) appropriates \$150 million in CDBG funds for disaster relief, long-term recovery, and mitigation directly related to the effects of the covered disasters. The Act authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or use by the recipient of these funds, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that such waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute.

The Secretary finds that the following waiver and alternative requirements are necessary to facilitate the use of these funds for their required purposes. The Secretary also finds that such uses of funds, as described below, are not inconsistent with the overall purpose of Title I of the Housing and Community Development Act of 1974, as amended, or the Cranston-Gonzalez National Affordable Housing Act, as amended.

Except as noted by published waivers and alternative requirements, the statutory and regulatory provisions governing the CDBG program for states, including those at 24 CFR part 570 subpart I, shall apply to the use of these funds granted to states. In a **Federal Register** notice published December 10, 2004 (69 FR 72100), and effective December 15, 2004, the Department promulgated waivers and alternative requirements necessary to facilitate the use of the subject grant funds.

Distribution of Funds Waiver

This notice waives requirements at 42 U.S.C. 5306 to the extent necessary to allow the State of Maryland to use its grant funds to directly carry out the state-funded and state-administered Hurricane Isabel Rehabilitation, Renovation, and Replacement Housing Program (HIRRRP) and other state-administered activities related to disaster relief, long-term recovery, and mitigation from the covered disaster. The HIRRRP program is designed to help disaster victims with housing repair after all other sources of assistance are exhausted. Although local governments carry out most HUD disaster recovery activities, in the aftermath of Hurricane Isabel the State of Maryland shifted the responsibility

for helping impacted households from local governments and Indian tribes onto the state, primarily through implementation of the HIRRRP. The state has asked for this waiver primarily to permit its HUD disaster recovery grant to be used to supplement its existing HIRRRP funds and to bring the total funding for this program closer to closing the gap with the total estimated need. The notice also provides conforming waivers to and alternative requirements for related areas of the regulations.

In carrying out an activity directly, the State of Maryland must note that its environmental role is delineated at 24 CFR 58.4(b).

Description of Modifications

1. A new paragraph 22 is added to the requirements of the notice published on December 10, 2004 (69 FR 72100), by adding text to read as follows:

State of Maryland direct grant administration.

22. a. Provisions of 42 U.S.C. 5306 currently require a state to distribute CDBG funds to units of general local government or Indian tribes rather than to carry activities out directly. This notice waives 42 U.S.C. 5306 to the extent necessary to allow the State of Maryland to use its disaster recovery grant allocation directly to carry out HIRRRP and other state-administered activities related to disaster relief, long-term recovery, and mitigation from the covered disaster rather than distributing funds to units of general local government or to Indian tribes. The provisions of paragraph b. which follows, conform state CDBG rules to this waiver for the State of Maryland and do not apply to other disaster recovery grants under the Act.

b. These conforming waivers and alternative requirements also apply:

(i) At 24 CFR 570.480(c), with respect to the basis for HUD determining that the state has failed to carry out its certifications, such basis shall be that the state has failed to carry out its certifications in compliance with applicable program requirements.

(ii) 24 CFR 570.490(a) and (b) are waived and the following provision shall apply: "State records. The state shall establish and maintain such records as may be necessary to facilitate review and audit by HUD of the state's administration of CDBG funds under § 570.493. Consistent with applicable statutes, regulations, waivers and alternative requirements, and other federal requirements, the content of records maintained by the state shall be sufficient to enable HUD to make the applicable determinations described at

§ 570.493; make compliance determinations for activities carried out directly by the state; and show how activities funded are consistent with the descriptions of activities proposed for funding in the action plan. For fair housing and equal opportunity purposes, and as applicable, such records shall include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the program." 24 CFR 570.490(c) and (d) shall also apply.

(iii) Change of use of real property. In 24 CFR 570.489(j), (j)(1), and the last sentence of (j)(2), "unit of general local government" shall be read as "unit of general local government or state."

(iv) Responsibility for state review and handling of noncompliance. 24 CFR 570.492 is waived and the following alternative requirement applies: The state shall make reviews and audits including on-site reviews of any subrecipients, designated public agencies, and units of general local government as may be necessary or appropriate to meet the requirements of Section 104(e)(2) of the Act. In the case of noncompliance with these requirements, the state shall take such actions as may be appropriate to prevent a continuance of the deficiency, mitigate any adverse effects or consequences, and prevent a recurrence. The state shall establish remedies for noncompliance by any designated public agencies or units of general local government and for its subrecipients.

Dated: April 19, 2005.

Roy A. Bernardi,

Deputy Secretary.

[FR Doc. E5-1963 Filed 4-25-05; 8:45 am]

BILLING CODE 4210-29-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4826-N-03]

Notice of Availability of Alternative Fuel Vehicle Reports

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice of availability of reports.

SUMMARY: Through this notice, HUD is making available on its website, a copy of HUD's Alternative Fuel Vehicles Report for Fiscal Year 2003 that was prepared in accordance with the Energy Policy Act of 1992.

FOR FURTHER INFORMATION CONTACT: Robert E. Byrd, Jr., Director, Facilities Management Division, Office of Administration, Department of Housing

and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-3000, at (202) 708-1955 (this is not a toll-free number). Persons with hearing or speech impairments may access these numbers through TTY by calling the toll-free Federal Information Relay Service number at (800) 877-8339.

SUPPLEMENTARY INFORMATION: The Energy Policy Act (42 U.S.C. 13201 *et seq.*) (the Act) establishes a comprehensive plan to achieve economic, energy and environmental benefits by promoting the use of alternative fuels. A major goal of the Act is to have the Federal government exercise leadership in the use of alternative fuel vehicles. To that end, the Act established alternative fuel vehicle purchasing requirements for the Federal fleets of government agencies, and requires Federal agencies to report on their compliance with the requirements of the Act. A copy of HUD's Alternative Fuel Vehicle Reports can be obtained via the World Wide Web at <http://www.hud.gov/offices/adm/reports/admreports.cfm>.

Dated: April 15, 2005.

Darlene F. Williams,
General Deputy Assistant Secretary for Administration.

[FR Doc. E5-1962 Filed 4-25-05; 8:45 am]

BILLING CODE 4210-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species.

DATES: Written data, comments or requests must be received by May 26, 2005.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax (703) 358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone (703) 358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (**ADDRESSES** above).

Applicant: Philadelphia Zoo, Philadelphia, PA, PRT-100017.

The applicant requests a permit to import up to 15 captive-born bicolor tamarin (*Saguinus bicolor*) from the Durrell Wildlife Conservation Trust, Jersey, United Kingdom for the purpose of enhancement of the survival of the species through captive propagation.

Applicant: Milwaukee County Zoological Gardens, Milwaukee, WI, PRT-099580.

The applicant requests a permit to import two captive-born male Siberian tigers (*Panthera tigris altaica*) from the Toronto Zoo, Toronto, Canada for the purpose of enhancement of the survival of the species through captive propagation.

Dated: April 8, 2005.

Monica Farris,
Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 05-8327 Filed 4-25-05; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species.

DATES: Written data, comments or requests must be received by May 26, 2005.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written

request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax (703) 358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone (703) 358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (**ADDRESSES** above).

Applicant: Shane Siers, University of Missouri, St. Louis, Missouri, PRT-102657.

The applicant requests a permit to import biological samples collected from live wild lemurs (*Lemur catta*) and (*Eulemur fulvus rufus*) in Madagascar for the purpose of scientific research.

Applicant: Zoological Society of San Diego, Conservation and Research for Endangered Species, San Diego, California, PRT-100279.

The applicant requests a permit to re-export biological samples collected from live wild black rhinoceros (*Diceros bicornis*) for the purpose of scientific research.

Dated: April 15, 2005.

Michael L. Carpenter,
Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 05-8329 Filed 4-25-05; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permit for marine mammals.

SUMMARY: The following permit was issued.

ADDRESSES: Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written