

(2) Is a developmental disability, as defined in this section; or

(3) Is the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).

§ 577.3 Recordkeeping requirements.

(a) *General*.—[Reserved].

(b) *Homeless Status*.—Each recipient of assistance under this part must maintain and follow written intake procedures to ensure compliance with the homeless definition in § 577.2. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status of the individuals and families applying for homeless assistance. The recipient must keep these records for 5 years after the end of the grant term.

(1) Acceptable evidence under § 577.2, in paragraphs (1)(i) and (ii) of the homeless definition of homeless status, includes certification by the individual or head of household seeking assistance, a written observation by an outreach worker of the conditions where the individual or family was living, or a written referral by another housing or service provider.

(2) Acceptable evidence under § 577.2, in paragraph (1)(iii) of the homeless definition, that a person resided in a shelter or place not meant for human habitation and is exiting an institution where he resided for 90 days or less, includes the evidence described in paragraph (b)(1) of this section, plus a written referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution.

(3)(i) The evidence under § 577.2, in paragraph (2)(i) of the homeless definition, that a person or family will imminently lose their housing, must include one of the following:

(A) A court order resulting from an eviction action notifying the individual or family that they must leave within 14 days of the date of their application for homeless assistance;

(B) For individuals and families leaving hotel or motel rooms not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, evidence that the individual or family lacks the financial resources necessary to reside there for more than 14 days from the date of application for homeless assistance; or

(C) An oral statement by the individual or head of household seeking assistance that the owner or renter of the

housing in which they currently reside will not allow them to stay for more than 14 days from the date of application for homeless assistance. This oral statement must be documented and verified. The oral statement must be documented by a self-certification; that is, the individual or head of household certifies in writing to the veracity of the oral statement made. Verification must be received from the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance. The verification may be a written or oral statement of the owner or renter recorded by the intake worker or a written record of the intake worker's due diligence in attempting to obtain a statement from the owner or renter.

(ii) The evidence under § 577.2, in paragraph (2)(i) of the homeless definition, must also include:

(A) Certification by the individual or head of household seeking assistance that no subsequent residence has been identified, and

(B) Self-certification or other written documentation that the individual or family lacks the financial resources and support networks needed to obtain other permanent housing.

(4) Acceptable evidence under § 577.2, in paragraph (3) of the homeless definition, for unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes that do not otherwise qualify as homeless, is—

(i) For § 577.2, in paragraph (3)(i) of the homeless definition, certification by the homeless individual or head of household seeking assistance, written observation by an outreach worker or referral by a housing or service provider;

(ii) For § 577.2, in paragraph (3)(ii) of the homeless definition, certification by the individual or head of household seeking assistance and any available supporting documentation that the individual or family moved three or more times during the 90-day period immediately before applying for homeless assistance, including: Recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided; or, where these statements or records are unobtainable, a written record of the intake worker's due diligence in attempting to obtain these statements or records; and

(iii) For § 577.2, in paragraph (3)(iii) of the homeless definition, acceptable evidence includes written diagnosis

from an appropriate licensed professional, intake staff-recorded observation of disability confirmed within 45 days of the application for assistance by an appropriate licensed medical professional, employment records, department of corrections records, and literacy, English proficiency, and IQ tests.

(5) Acceptable evidence under § 577.2, in paragraph (4) of the homeless definition, for individuals or families fleeing domestic violence, includes an oral statement by the individual or head of household seeking assistance, written observation by the intake worker, or written referral by a housing or service provider, social worker, the hospital, or the police. If an oral statement is used, it must be documented by either a self-certification or a certification by the intake worker.

Dated: March 22, 2010.

Mercedes Márquez,
Assistant Secretary for Community, Planning and Development.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 84

[Docket Number NIOSH-0137]

RIN 0920-AA33

Total Inward Leakage Requirements for Respirators

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is reopening the comment period for the notice of proposed rulemaking by the National Institute for Occupational Safety and Health (NIOSH) of CDC, entitled "Total Inward Leakage Requirements for Respirators," published in the **Federal Register** on October 30, 2009 (74 FR 56141). The comment period on this proposed regulation closed on March 29, 2010 (74 FR 66935) and is being reopened until September 30, 2010.

DATES: All written comments must be received on or before September 30, 2010.

ADDRESSES: You may submit comments, identified by RIN: 0920-AA33, by any of the following methods:

• *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions for submitting comments.

• *E-mail*: niocindocket@cdc.gov. Include "RIN: 0920-AA33" and "42 CFR Part 84" in the subject line of the message.

• *Mail*: NIOSH Docket Office, Robert A. Taft Laboratories, MS-C34, 4676 Columbia Parkway, Cincinnati, OH 45226.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking, RIN: 0920-AA33. All comments received will be posted without change to <http://www.cdc.gov/niosh/docket>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.cdc.gov/niosh/docket>.

FOR FURTHER INFORMATION CONTACT: Jonathan V. Szalajda, NIOSH, National Personal Protective Technology Laboratory (NPPTL), Post Office Box 18070, 626 Cochran Mill Road, Pittsburgh, Pennsylvania 15236, telephone (412) 386-5200, facsimile (412) 386-4089, e-mail zfx1@cdc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 30, 2009, the Department of Health and Human Services proposed a rule to establish total inward leakage (TIL) requirements for half-mask air-purifying particulate respirators approved by NIOSH. The proposed new requirements specify TIL minimum performance requirements and testing to be conducted by NIOSH and respirator manufacturers to demonstrate that these respirators, when selected and used correctly, provide effective respiratory protection to intended users against toxic dusts, mists, fumes, fibers, and biological and infectious aerosols (e.g., influenza A (H5N1), *Bacillus anthracis*, severe acute respiratory syndrome (SARS) coronavirus, and *Mycobacterium tuberculosis*). The agency held a public meeting on December 3, 2009 to take comments on the proposed regulation (74 FR 59501). Based on requests to extend the comment period submitted in writing and made orally at the public meeting, the agency extended the comment period until March 29, 2010 (74 FR 66935).

II. Reopening of Comment Period

Prior to the close of the comment period on March 29, 2010, two commenters requested the comment

period be extended for up to one additional year because they are conducting independent research into scientific requirements of the proposed rule and/or its economic impact. The commenters stated that they needed this amount of time to complete this research before they can fully comment.

Due to the fact that the proposed rule contains only one new performance requirement that the commenters need to analyze and that the comment period has already been extended once, the Centers for Disease Control and Prevention (CDC) has determined that an additional reopening of the comment period to September 30, 2010 provides sufficient time to allow for public comment.

III. Public Meeting

NIOSH will conduct a public meeting in June or July 2010 to hear from stakeholders on the preliminary results of their independent research. A formal notice will be published in the **Federal Register** announcing the date and location of that meeting.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2010-9085 Filed 4-19-10; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R8-ES-2010-0013]
[MO 92210-0-0008-B2]

Endangered and Threatened Wildlife and Plants; Initiation of Status Review for Sacramento splittail (*Pogonichthys macrolepidotus*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Initiation of status review and solicitation of new information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), under the authority of the Endangered Species Act of 1973, as amended (Act), announce the initiation of a status review for the Sacramento splittail (*Pogonichthys macrolepidotus*). To ensure that the status review is comprehensive, we are soliciting scientific and commercial data and other information regarding this species. Based on the status review, we will issue a 12-month finding, which will address whether the listing may be warranted, as provided in section 4(b)(3)(B) of the Act.

DATES: To allow us adequate time to conduct this review, we request that we receive information on or before May 20, 2010. After this date, you must submit information directly to the Field Office (see **FOR FURTHER INFORMATION CONTACT** section below). Please note that we may not be able to address or incorporate information that we receive after the above requested date.

ADDRESSES: You may submit comments by one of the following methods:

• *Federal eRulemaking Portal*: <http://www.regulations.gov>. Search for Docket No. FWS-R8-ES-2010-0013 and then follow the instructions for submitting comments.

• *U.S. mail or hand-delivery*: Public Comments Processing, Attn: FWS-R8-ES-2010-0013; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Information Solicited section below for more details).

FOR FURTHER INFORMATION CONTACT: Dan Castleberry, Field Supervisor, San Francisco Bay-Delta Fish and Wildlife Office, 650 Capitol Mall, fifth Floor, Sacramento, CA 95814; by telephone at 916-930-5632; or by facsimile at 916-930-5654. Persons who use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339

SUPPLEMENTARY INFORMATION:

Information Solicited:

To ensure the status review is complete and based on the best available scientific and commercial information, we request information on the Sacramento splittail. We request any additional information from governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. We seek information on:

- (1) The species' biology, range, and population trends, including:
 - (a) Habitat requirements for feeding, breeding, and sheltering;
 - (b) Genetics and taxonomy;
 - (c) Historical and current range including distribution patterns;
 - (d) Historical and current population levels, and current and projected trends; and
 - (e) Past and ongoing conservation measures for the species and/or its habitat.
- (2) The factors that are the basis for making a listing determination for a