

Housing Assistance Restructuring Program (Mark to Market).

*OMB Approval Number:* 2502–0533.

*Type of Request:* Extension of currently approved collection.

*Form Numbers:* HUD–9624, HUD–9625, OPG 2.1, OPG 2.2, OPG 2.7, OPG 2.9, OPG 2.15, OPG 2.16, OPG 2.17, OPG 3.1, OPG 3.2, OPG 3.3, OPG 3.4, OPG 3.5, OPG 3.7, OPG 3.8, OPG 4.1, OPG 4.2, OPG 4.3, OPG 4.4, OPG 4.5, OPG 4.6, OPG 4.7, OPG 4.8, OPG 4.10, OPG 4.11, OPG 4.12, OPG 5.1, OPG 5.4, OPG 5.5, OPG 6.2, OPG 6.5, OPG 6.8, OPG 6.9, OPG 7.1, OPG 7.2, OPG 7.3, OPG 7.3TPA, OPG 7.5, OPG 7.6, OPG 7.7, OPG 7.8, OPG 7.9, OPG 7.11, OPG 7.12, OPG 7.13, OPG 7.14, OPG 7.16, OPG 7.21, OPG 7.22, OPG 7.23, OPG 7.24, OPG 7.25, OPG 8.1, OPG 9.10, OPG 9.11, OPG 10.2, OPG 10.4a, OPG 10.4b, OPG 10.6a, OPG 10.8, OPG Appendix M, Attachment 1, OPG Appendix M Attachment 2, OPG 11.1.

*Description of the need for the information and proposed use:* The Mark to Market Program is authorized under the Multifamily Assisted Housing Reform and Affordability Act of 1997 as extended by the Market to Market Extension Act of 2001. The information collection is required and will be used to determine the eligibility of FHA-insured multifamily properties for participation in the Mark to Market program and the terms on which such participation should occur as well as to process eligible properties from acceptance into the program through closing of the mortgage restructure in accordance with program guidelines. The result of participation in the program is the refinancing and restructure of the property's FHA-insured mortgage and, generally the reduction of Section 8 rent payments and establishment of adequately funded accounts to fund required repair and rehabilitation of the property.

*Respondents* (i.e. affected public): Contractors and tenants.

*Estimated Number of Respondents:* 126.

*Estimated Number of Responses:* 1922.

*Frequency of Response:* On occasion.

*Average Hours per Response:* 1.26

*Total Estimated Burdens:* 2412.3.

## B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

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

Dated: April 9, 2014.

**Laura M. Marin,**

*Associate General Deputy Assistant Secretary for Housing—Associate Deputy Federal Housing Commissioner.*

[FR Doc. 2014–08630 Filed 4–15–14; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5773–N–01]**

### Adoption of Updated Standard ASTM E 1527–13 Standard Practice for Environmental Assessments: Phase I Environmental Site Assessment Process

**AGENCY:** Office of Housing of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** This notice updates guidance documents of HUD's Office of Housing and Federal Housing Administration (FHA) that reference the ASTM E 1527–05 standard for Phase I Environmental Site Assessments (ESAs) to the most recent standard, ASTM E 1527–13.

**DATES: Effective Date:** May 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** Hilary Atkin, Housing Environmental Officer, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 9132, Washington, DC 20410, telephone 202–402–3427 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

## I. Background

HUD environmental regulations state that “[i]t is HUD policy that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property” (24 CFR 50.3(i)(1)). In order to accomplish this policy, “HUD shall require the use of current techniques by qualified professionals. . . .” (24 CFR 50.3(i)(4)). Currently, a Phase I ESA in accordance with ASTM E 1527–05 is required by several guidance documents throughout Office of Housing/FHA, including, but not limited to, the Multifamily Accelerated Processing (MAP) Guide, the Condominium Project Approval and Processing Guide, Handbook 4600.1 REV–1, Section 232 Mortgage Insurance for Residential Care Facilities, and Handbook 4615.1, Mortgage Insurance for Hospitals.

In November 2013, ASTM International published ASTM E 1527–13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. ASTM E 1527–13 defines good commercial and customary practice in the United States for conducting an Environmental Site Assessment (ESA) of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601) and petroleum products. In order for a defendant to limit liability for a release of hazardous substances, CERCLA requires that the defendant has “no reason to know” that the hazardous substance involved in the release or threatened release was present. In establishing no reason to know, the defendant must be able to show that it carried out, on or before the date on which the defendant acquired the facility, all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices, and took other reasonable steps (42 U.S.C. 9601(35)(B)(i)). The standards and practices that determine whether all appropriate inquiries have been carried out are established by regulation by the Environmental Protection Agency (EPA) (42 U.S.C. 9601(35)(B)(ii)). On December 30, 2013, the EPA updated these standards, and allowed parties to use ASTM E 1527–13 rather than the previous standard, ASTM E 1527–05 (78 FR 79319).

HUD's regulation at 24 CFR 50.3(i)(1) states as a matter of policy that all property to be used in HUD programs be free of hazardous substances, and § 50.3(i)(2) requires that HUD's environmental review include evaluation of previous uses of the site and other evidence of contamination on or near the site, "to assure that occupants of proposed sites are not adversely affected" by hazardous substances. Additionally, FHA's General Insurance Fund (GIF) and Mutual Mortgage Insurance (MMI) Fund can be at legal risk if HUD acquires a property and subsequently a hazardous substance is released or threatened to be released. For these reasons, adoption of the updated standard protects the GIF and MMI Fund from risks stemming from insuring sites with hazardous waste and/or petroleum product contamination. The updated standard will better equip HUD's Office of Housing/FHA staff to assess such risks as the standard includes updated definitions that will more fully inform the Office of Housing/FHA about the environmental conditions on the subject property.

One advantage of ASTM E 1527–13 is that it newly defines Controlled Recognized Environmental Conditions (CREC), which must be identified in the Phase I ESA. The new CREC definition will result in some environmental conditions being listed as CRECs if they have been remediated to restricted levels, as opposed to an unrestricted or de minimis level, and will be a great tool for Office of Housing/FHA staff to assess whether the site is appropriate for residential use. The definition does not create new analyses or documentation, as Phase I ESAs that were compliant with ASTM E 1527–05 would have discussed CRECs in the context of being either a Recognized Environmental Condition (REC) or a Historical Recognized Environmental Condition (HREC).

The ASTM E 1527–13 standard also newly defines migration, which includes hazardous waste or petroleum products in vapor form. Previous to this definition, it was unclear whether vapors had to be assessed under a Phase I ESA, and as a result many Phase I ESA reports did not include this analysis. The new definition will generally not change Office of Housing/FHA Phase I ESA report requirements, however, as the Office of Housing/FHA has required that a Vapor Encroachment Survey performed in accordance with ASTM E 2600–10 be incorporated into the Phase I ESA report for several years, and will continue to do so.

Finally, ASTM E 1527–13 modifies the definitions of HREC to require evaluation of whether a historical release of a hazardous waste or petroleum product that was addressed to the satisfaction of the regulatory authority in the past is considered a REC at the time the Phase I ESA is prepared because of a change in regulatory criteria. Such an analysis was conducted by many Phase I ESA preparers under the past standard, but the modification of the definition clarifies this requirement.

## II. Action

ASTM E 1527–13 is formally adopted by the Office of Housing/FHA through this notice. Wherever ASTM E 1527–05 is referenced in Office of Housing/FHA guidance, participants in Office of Housing/FHA programs, funding recipients, FHA-insured mortgagees, and contractors must use ASTM E 1527–13. The Office of Housing/FHA will update guidance documents to reflect the adoption of ASTM E 1527–13 for Phase I ESA reports.

Dated: April 10, 2014.

**Carol Galante,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R2–ES–2014–N040;  
FXES11120200000–145–FF02ENEH00]**

#### **Notice of Availability: Draft Environmental Assessment and Draft Oil and Gas Industry Conservation Plan for the American Burying Beetle in Oklahoma**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability of documents; request for public comment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft environmental assessment (EA), under the National Environmental Policy Act of 1969 (NEPA), that evaluates the impacts of, and alternatives to the proposed Oil and Gas Industry Conservation Plan (ICP) for incidental take of the federally listed American burying beetle resulting from activities associated with geophysical exploration (seismic), development, extraction, or transport of crude oil, natural gas, and/or other petroleum products, and maintenance, operation,

repair, and decommissioning of oil and gas pipelines and well field infrastructure. The proposed ICP Planning Area consists of 45 counties in Oklahoma. Individual oil and gas companies would apply for Endangered Species Act (ESA) permits for incidental take associated with activities covered in the ICP and agree to comply with the terms and conditions of the ICP.

**DATES:** *Comments:* We will accept comments received or postmarked on or before April 30, 2014. Comments submitted electronically must be received by 11:59 p.m. Central Time on the closing date. Comments submitted by U.S. mail must be postmarked by the closing date. Any comments we receive after the closing date or not postmarked by the closing date may not be considered in the final decision on this action.

**ADDRESSES: Obtaining Documents:**

- *Internet:* You may obtain copies of the draft EA and draft ICP on the Internet on the Service's Web site at [www.fws.gov/southwest/es/oklahoma/ABBICP](http://www.fws.gov/southwest/es/oklahoma/ABBICP).

- *U.S. Mail:* A limited number of CD-ROM and printed copies of the draft EA and draft ICP are available, by request, from the Field Supervisor, by mail at Oklahoma Ecological Services Field Office, 9014 E. 21st St., Tulsa, OK 74129; by phone at 918–581–7458; or by fax at 918–581–7467. Please note that your request is in reference to the ICP for ABB in Oklahoma.

- *In-Person:* Copies of the draft EA and draft ICP are also available for public inspection and review at the following locations, by appointment and written request only, 8 a.m. to 4:30 p.m.:

- U.S. Fish and Wildlife Service, 500 Gold Avenue SW, Room 6034, Albuquerque, NM 87102.

- U.S. Fish and Wildlife Service, 9014 E. 21st St., Tulsa, OK 74129.

*Comment submission:* You may submit written comments by one of the following methods:

- *U.S. Mail:* U.S. Fish and Wildlife Service, 9014 E. 21st St., Tulsa, OK 74129.

- *Electronically:* [ABB\\_ICP@fws.gov](mailto:ABB_ICP@fws.gov).

**FOR FURTHER INFORMATION CONTACT:**

Alisa Shull, Acting Field Supervisor, by U.S. mail at the U.S. Fish and Wildlife Service, Oklahoma Ecological Services Field Office, 9014 E. 21st St., Tulsa, OK 74129; or by phone at 918–581–7458.

**SUPPLEMENTARY INFORMATION:** Under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), this notice advises the public that we, the Service, have gathered the information necessary to determine impacts and formulate alternatives for the draft EA related to