

(i) Hold converted CPO QS.  
 (ii) Use the CPO IFQ derived from that converted CPO QS outside of a crab harvesting cooperative.

\* \* \* \* \*

■ 7. In § 680.40, add paragraphs (c)(5), (c)(6), (e)(3), and (j)(4) to read as follows:

**§ 680.40 Quota Share (QS), Processor QS (PQS), Individual Fishing Quota (IFQ), and Individual Processor Quota (IPQ) issuance.**

\* \* \* \* \*

(c) \* \* \*

(5) *Issuance of converted CPO QS.* (i) For each crab fishing year, the Regional Administrator may issue converted CPO QS for the BBR or BSS crab QS fishery with a North Region designation to an entity described in paragraph (c)(5)(ii), (c)(5)(iii), or (c)(5)(iv) of this section if NMFS has approved an application for converted CPO QS/IFQ for that crab fishing year.

(ii) Entity A is comprised only of Yardarm Knot, Inc. (NMFS ID # 675).

(iii) Entity B is comprised only of Blue Dutch, LLC (NMFS ID # 3163).

(iv) Entity C is comprised only of Trident Seafoods, Inc. (NMFS ID # 8184).

(v) NMFS will issue Entity A, B, or C, described in paragraphs (c)(5)(ii) through (c)(5)(iv) of this section, one unit of converted CPO for each unit of CVO QS and 0.9 units of PQS indicated in an approved application for converted CPO QS/IFQ.

(vi) For each crab fishing year, the Regional Administrator will not issue CPO QS for the BBR or BSS crab QS fishery:

(A) To Entity A described in paragraph (c)(5)(ii) of this section that is greater than the amount of converted CPO QS that may be derived from the amount of PQS units with a North Region designation initially issued by NMFS to Yardarm Knot, Inc. (NMFS ID # 675), and any affiliates of Yardarm Knot, Inc., as listed on an annual application for converted CPO QS/IFQ for that crab fishing year;

(B) To Entity B described in paragraph (c)(5)(iii) of this section that is greater than the amount of converted CPO QS that may be derived from the amount of PQS units with a North Region designation initially issued by NMFS to Blue Dutch, LLC, (NMFS ID # 3163) under paragraph (e)(3) of this section and any affiliates of Blue Dutch, LLC, as listed on an annual application for converted CPO QS/IFQ for that crab fishing year; and

(C) To Entity C described in paragraph (c)(5)(iv) of this section that is greater than the amount of converted CPO QS that may be derived from the amount of CVO QS units with a North Region

designation initially issued by NMFS to Trident Seafoods, Inc. (NMFS ID # 8184), and any affiliates of Trident Seafoods, Inc., as listed on an annual application for converted CPO QS/IFQ for that crab fishing year;

(vii) CPO IFQ derived from converted CPO QS may be issued to a crab harvesting cooperative only if the entity described in paragraph (c)(5)(ii), (c)(5)(iii), or (c)(5)(iv) of this section holding the converted CPO QS is a member of that crab harvesting cooperative.

(6) *Offloading requirements for CPO IFQ derived from converted CPO QS.*

Any crab harvested under a CPO IFQ permit derived from converted CPO QS must be offloaded in the Bering Sea subarea north of 56°20' N. lat.

\* \* \* \* \*

(e) \* \* \*

(3) *PQS issued to Blue Dutch, LLC.* (i) Pursuant to Public Law 109–241, NMFS issued 3,015,229 units of PQS for the BBR crab QS fishery and 7,516,253 units of PQS for the BSS crab QS fishery.

(ii) PQS units issued to Blue Dutch, LLC, under paragraph (e)(3)(i) of this section were assigned a regional designation according to the procedures established in paragraph (b)(2)(iv) of this section.

(iii) PQS units issued to Blue Dutch, LLC, under paragraph (e)(3)(i) of this section may not be transferred to any other person.

\* \* \* \* \*

(j) \* \* \*

(4) *IPQ issued to Blue Dutch, LLC—*(i) *BBR IPQ.* For each crab fishing year that the total allowable catch for BBR CR crab is greater than 15,732,480 lb (7,136.2 mt), NMFS will issue IPQ for the 3,015,229 units of PQS issued to Blue Dutch, LLC, pursuant to Public Law 109–241.

(ii) *BSS IPQ.* For each crab fishing year that the total allowable catch for BSS CR crab is greater than 21,350,640 lb (9,684.6 mt), NMFS will issue IPQ for the 7,516,253 units of PQS issued to Blue Dutch, LLC, pursuant to Public Law 109–241.

\* \* \* \* \*

■ 8. In § 680.41:

■ a. Paragraphs (c)(1)(iv) through (c)(1)(vi) are redesignated as paragraphs (c)(1)(vi) through (c)(1)(viii), respectively.

■ b. New paragraphs (c)(1)(iv) and (c)(1)(v) are added.

■ c. Paragraph (c)(1)(i) is revised.

The additions and revision read as follows:

**§ 680.41 Transfer of QS, PQS, IFQ, and IPQ.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

Quota type	Eligible person	Eligibility requirements
(i) PQS not issued under § 680.40(e)(3)(i)	Any person	None.
*****		
(iv) Converted CPO QS	N/A	Converted CPO QS may not be transferred.
(v) CPO IFQ derived from Converted CPO QS	N/A	CPO IFQ derived from Converted CPO may not be transferred.
*****		

\* \* \* \* \*

■ 9. In § 680.42, paragraph (a)(5) is revised, and paragraph (a)(7) is added to read as follows:

**§ 680.42 Limitations on use of QS, PQS, IFQ, and IPQ.**

(a) \* \* \*

(5) IFQ that is used by a crab harvesting cooperative is not subject to the use caps in this paragraph (a) except as provided for in paragraph (a)(7) of this section.

\* \* \* \* \*

(7) In a calendar year, an entity as described in § 680.40(c)(5)(ii), (c)(5)(iii), or (c)(5)(iv), may not use more than 1,000,000 lb (453.6 mt) of IFQ derived from converted CPO QS in the BBR or BSS crab QS fisheries.

\* \* \* \* \*

[FR Doc. E8–11539 Filed 5–22–08; 8:45 am]

BILLING CODE 3510–22–S

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**24 CFR Part 891**

[Docket No. FR–5097–F–02]

RIN 2502–AI48

**Project Design and Cost Standards for the Section 202 and Section 811 Programs**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule revises HUD's regulations that govern the project

design and cost standards for HUD's section 202 supportive housing for the Elderly and section 811 Persons with Disabilities programs. This rule allows project sponsors to use HUD funds for dishwashers in individual supportive housing units for the elderly and in independent living projects for persons with disabilities. The current regulation excludes dishwashers from the list of permitted project amenities. By providing access to dishwashers, a standard amenity in today's housing market, HUD endeavors to maintain the quality of life for elderly and disabled residents, and, further, the use of dishwashers will help promote healthy living conditions, and assist independent living. This rule will also clarify the applicability of the project design and cost standards to section 811 group homes. This final rule follows publication of an August 15, 2007, proposed rule on which HUD received one comment, which was fully supportive of the rule. HUD is adopting the August 15, 2007, proposed rule without change.

**DATES:** *Effective date:* June 23, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Yvonne Jefferson, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6154, Washington, DC 20410-8000, telephone number (202) 708-3000 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On August 15, 2007, at 72 FR 45868, HUD published a proposed rule for public comment to amend the Department's regulations governing project design and cost standards for HUD's section 202 Supportive Housing for the Elderly and section 811 Persons with Disabilities programs. Section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701q), and section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), authorize HUD to establish programs to provide assistance to expand the supply of housing with supportive services for the elderly and persons with disabilities. HUD's regulations that establish the section 202 Supportive Housing for the Elderly program (section 202 program) and HUD's section 811 Supportive Housing for persons with disabilities program (section 811 program) are codified in 24 CFR Part 891.

Section 891.120 establishes the project design and cost standards for section 202 and section 811 projects. Projects must be modest in design and certain amenities are not eligible for HUD capital advance or project rental assistance contract (PRAC) funds. Dishwashers and washers and dryers are among the amenities for which HUD funding is restricted under the regulation; section 202 and section 811 project sponsors may include these amenities, but are not permitted to use HUD funds for their purchase or the continued operating costs associated with any ineligible amenity. HUD acknowledges that many items once considered excess amenities, including dishwashers, are now considered standard in today's housing market and that, in addition, their presence in housing units for the elderly and persons with disabilities would increase the quality of life, promote healthy living conditions, and assist independent living.

The current regulation does not address section 811 group homes specifically, therefore an ambiguity exists regarding what amenities are allowed in section 811 housing pursuant to § 891.120(c). HUD recognizes that the installation of washers and dryers in group homes intended for persons with disabilities would increase the supportive nature of that housing, and that HUD funding would likely encourage the availability of these appliances to benefit and enhance section 811 programs.

**II. This Final Rule**

This final rule follows the publication of an August 15, 2007, proposed rule. The public comment period on the proposed rule closed on October 15, 2007. HUD received one public comment on the proposed rule. This commenter supported the intent of the final rule, stating that because the people assisted by these programs are either elderly or have some type of disability, “\* \* \* it is very favorable to have amenities such as a dishwasher in their homes because it will help them \* \* \* further, it will assist independent living for these people.” HUD is issuing this final rule without change from the proposed rule.

**III. Findings and Certifications**

*Environmental Impact*

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or

new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

*Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The regulatory change does not revise or establish new binding requirements on project sponsors or owners. Rather, this final rule updates HUD's regulations to authorize the use of section 202 and section 811 funds for an amenity now standard in today's housing market. The change will assist the elderly and persons with disabilities to live independently. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

*Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1531-1538) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. This rule does not impose any federal mandate on state, local, or tribal government, or the private sector within the meaning of UMRA.

*Federalism*

Executive Order 13132 (entitled “Federalism”) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments, and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments nor preempt state law within the meaning of the Executive Order.

*Catalog of Federal Domestic Assistance (CFDA)*

The CFDA number for the Section 202 program is 14.157 and the CFDA

number for the section 811 program is 14.181.

#### List of Subjects in 24 CFR Part 891

Aged, Grant programs-housing and community development, Individuals with disabilities, Loan programs-housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

■ For the reasons stated in the preamble, HUD amends 24 CFR Part 891 to read as follows:

#### PART 891—SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

■ 1. The authority citation for part 891 continues to read as follows:

**Authority:** 12 U.S.C. 1701q; 42 U.S.C. 1437f, 3535(d), and 8013.

■ 2. Revise § 891.120(c) to read as follows:

##### § 891.120 Project design and cost standards.

\* \* \* \* \*

(c) *Restrictions on amenities.* Projects must be modest in design. In individual units in supportive housing for the elderly and in independent living facilities for persons with disabilities, amenities not eligible for HUD funding include individual unit balconies and decks, atriums, bowling alleys, swimming pools, saunas, Jacuzzis, trash compactors, washers and dryers. However, HUD funding is eligible to pay for washers and dryers in group homes for persons with disabilities. Sponsors may include certain excess amenities, but must pay for them from sources other than the section 202 or 811 capital advance. They must also pay for the continuing operating costs associated with any excess amenities from sources other than the section 202 or 811 project rental assistance contract.

\* \* \* \* \*

Dated: May 15, 2008.

**Brian D. Montgomery,**  
*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. E8–11619 Filed 5–22–08; 8:45 am]

BILLING CODE 4210–67–P

#### PENSION BENEFIT GUARANTY CORPORATION

#### 29 CFR Part 4002

#### Bylaws of the Pension Benefit Guaranty Corporation

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This is a final rule to amend the bylaws of Pension Benefit Guaranty Corporation.

**DATES:** Effective June 23, 2008.

#### FOR FURTHER INFORMATION CONTACT:

Judith R. Starr, General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4400. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400.)

**SUPPLEMENTARY INFORMATION:** Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under Title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Section 4002(b)(3) of ERISA gives PBGC power “to adopt, amend, and repeal, by the board of directors, bylaws \* \* \*.” Section 4002(f) of ERISA provides that “[T]he board of directors may alter, supplement, or repeal any existing bylaw \* \* \* and may adopt additional bylaws \* \* \* from time to time as may be necessary.” PBGC’s bylaws are set forth in 29 CFR Part 4002.

PBGC’s Board of Directors has amended the bylaws. This rule replaces the old bylaws with the new bylaws.

#### Compliance With Rulemaking Guidelines

As a rule of agency organization, procedure, or practice, this rule is exempt from notice and public comment requirements. Because no general notice of proposed rulemaking is required, the Regulatory Flexibility Act does not apply to this rule. See 5 U.S.C. 601(2), 603, 604. PBGC has determined that this rule is not a “significant regulatory action” under Executive Order 12866, as amended.

#### List of Subjects in Part 4002

Authority delegations (Government agencies), Organization and functions (Government agencies).

■ Accordingly, 29 CFR part 4002 is revised to read as follows:

#### PART 4002—BYLAWS OF THE PENSION BENEFIT GUARANTY CORPORATION

Sec.

- 4002.1 Name.
- 4002.2 Offices.
- 4002.3 Board of Directors, Chair, and Representatives of Board Members.
- 4002.4 Quorum.
- 4002.5 Meetings.
- 4002.6 Place of meetings; use of conference call communications equipment.
- 4002.7 Voting without a meeting.
- 4002.8 Conflicts of interest.

4002.9 Director of the Corporation and Senior Officers.

4002.10 Emergency Procedures.

4002.11 Seal.

4002.12 Amendments.

**Authority:** 29 U.S.C. 1302(b)(3), 1302(f).

#### § 4002.1 Name.

The name of the Corporation is the Pension Benefit Guaranty Corporation.

#### § 4002.2 Offices.

The principal office of the Corporation is in the Metropolitan area of the City of Washington, District of Columbia. The Corporation may have additional offices at such other places as the Board of Directors may deem necessary or desirable to the conduct of its business.

#### § 4002.3 Board of Directors, Chair, and Representatives of Board Members.

(a)(1) The Corporation is governed by a Board of Directors which is composed of the Secretary of Labor, the Secretary of the Treasury, and the Secretary of Commerce. Members of the Board shall serve without compensation, but shall be reimbursed by the Corporation for travel, subsistence, and other necessary expenses incurred in the performance of their duties as Members of the Board. A person at the time of a meeting of the Board of Directors who is serving in an acting capacity as Secretary of Labor, Secretary of the Treasury, or Secretary of Commerce shall serve as a Member of the Board of Directors with the same authority and effect as the designated Secretary.

(2) The Secretary of Labor shall be the Chair of the Board of Directors and shall call and preside over all Board meetings, and shall, on behalf of the Board, review and approve the Corporation’s budget. The Inspector General of the Corporation shall report to the Board through the Chair.

(3) The Board of Directors is responsible for establishing and overseeing the policies of the Corporation. The Board may delegate powers to the Director of the Corporation except that the following powers of the Board may not be delegated to the Director of the Corporation:

(i) Voting on an amendment to these bylaws;

(ii) Approval of the Annual Management Report (AMR), which includes the annual financial statements, management’s discussion and analysis, annual performance report, and reports of the independent auditor;

(iii) Approval of the Annual Report, which includes the AMR, the