

§ 22.25 Protective Orders and In Camera Review [Rule 25].

(a) *Protective Orders.* Upon motion of any party, or on the Board's initiative, the Board may issue a protective order to hold materials under conditions that would limit access to them on the ground that such documents are privileged or confidential, or sensitive in some other way. Any motion filed under this rule must state with specificity the grounds for such limited access. The manner in which such materials will be held, the persons that shall have access to them, and the conditions under which such access will be allowed will be specified in an order of the Board.

(b) *In Camera Review.* Generally, all documents and evidence provided to the Board must also be provided to all other parties to the appeal or their legal counsel or representative. However, in limited circumstances, such as in deciding matters of privilege, it may be appropriate for the Board to review documents or evidence in camera. In camera review may be requested upon motion to the Board, or on the Board's initiative. Any motion filed under this rule must state with specificity the grounds for seeking in camera review.

§ 22.26 Representation of Parties [Rule 26].

(a) *The Appellant.* Any appellant may appear before the Board represented by an attorney duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. An individual appellant may appear before the Board in person; a corporation may be represented by an officer thereof; a partnership or joint venture may be represented by a member thereof. Under special circumstances, the Board may authorize a contractor to appear before the Board represented by a duly authorized representative other than those mentioned herein for the purposes of that appeal only.

(b) *The Respondent.* The respondent may appear before the Board represented by an attorney duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. Such attorney shall be designated with authority to represent the government's interests before the Board. Alternatively, if not otherwise prohibited, the respondent may appear before the Board represented by the contracting officer or the contracting officer's authorized representative.

(c) *Others.* The Board may, on motion, in its discretion, permit a special or limited appearance, such as by amicus curiae. Permission to appear, if granted,

will be for such purposes and in such manner as established by the Board.

(d) *Notice of Appearance.* An attorney or other duly authorized representative representing a party before the Board shall file a notice of appearance. Such notice shall provide the person's name, address, direct dial telephone number, fax number, and e-mail address. If multiple attorneys or law firms represent a party, the contact information for each attorney shall be provided to the Board. In such instances, the party shall designate a single attorney or individual as the primary point of contact for the party. Notices of appearance shall be filed at the commencement of the appeal and shall be updated as necessary during the appeal.

§ 22.27 Ex Parte Communications [Rule 27].

No member of the Board shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal without the knowledge and consent of the adverse party. This provision does not apply to consultation among Board members or to ex parte communications concerning the Board's administrative functions or procedures.

§ 22.28 Time [Rule 28].

In computing any period of time described in these rules, "days" refer to calendar days, unless otherwise specified in these rules. The first day from which the period begins to run is not counted, and when the last day of the period is Saturday, Sunday, or a Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or a Federal holiday. Documents shall be deemed "filed" on the date and time received by the Board if received before 5:30 p.m. EST, or the next business day if received after 5:30 p.m. EST.

§ 22.29 Inspection of the Record [Rule 29].

The notice of appeal, the complaint, the answer, the documents required to be filed therewith pursuant to § 22.4 of this part [Rule 4], all papers filed by the parties with the Board pursuant to these rules, and all correspondence exchanged between the Board and the parties or their attorneys shall be available for inspection at the offices of the Board. Prior arrangements for inspection of the file should be made with a member of the Board.

Dated: June 20, 2008.

James A. Spangenberg,

Chairman, Government Accountability Contract Appeals Board.

[FR Doc. E8-14355 Filed 6-25-08; 8:45 am]

BILLING CODE 1610-02-P

DEPARTMENT OF AGRICULTURE**Rural Housing Service****7 CFR Part 1944****RIN 0575-AC76****Housing Preservation Grants**

AGENCY: Rural Housing Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Rural Housing Service (RHS), hereafter referred to as U.S. Department of Agriculture Rural Development is amending its regulations for the Housing Preservation Grants Program to include faith-based and community organizations. Faith-based and community organizations receiving Housing Preservation Grants (HPG) Program funding for the purpose of repairing and rehabilitating housing will operate within the guidance of the 7 CFR 1944, subpart N, as well as, comply with the terms specified in the HPG grant agreement. The intended effect is to improve the delivery and operation of the HPG Program.

DATES: This rule is effective September 9, 2008, unless we receive written adverse comments or written notices of intent to submit adverse comments on or before August 25, 2008. If we receive such comments or notice, we will publish a timely document in the **Federal Register** withdrawing the rule.

ADDRESSES: You may submit adverse comments or notice of intent to submit adverse comments by any of the following methods:

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

- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, USDA Rural Development, STOP 0742, 1400 Independence Avenue, SW., Washington, DC 20250-0742.

- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail or another mail courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, USDA Rural Development, 300 7th Street, SW., Washington, DC 20024.

All written comments will be available for public inspection during

regular work hours at the 300 7th Street, SW., address listed above.

FOR FURTHER INFORMATION CONTACT:

Bonnie Edwards-Jackson, Senior Loan Specialist, Multi-Family Housing Processing Division, USDA Rural Development, USDA, STOP 0781, 1400 Independence Avenue, SW., Washington, DC 20250-0781, telephone: (202) 690-0759.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be not significant and has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Civil Justice Reform

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with this order: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with 7 CFR part 11, must be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

Executive Order 13132

The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, 2 U.S.C. 1532, USDA Rural Development generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When such statement is needed for a rule, section 205 of the UMRA generally requires USDA Rural Development to identify and consider a reasonable number of

regulatory alternatives and adopt the least costly, more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates (under the provisions of Title II of the UMRA) for State, local, and tribal Governments or the private sector. Therefore, this rule is not subject to the requirements of section 202 and 205 of the UMRA.

Programs Affected

The program affected by this rule is listed in the Catalog of Federal Domestic Assistance under Number 10.433, Rural Housing Preservation Grants.

Intergovernmental Consultation

The program is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials.

Intergovernmental consultation has been conducted in accordance with RD Instruction 1940-J.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of RHS that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1995

The information collection requirements contained in this regulation have been approved by OMB under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0575-0172, in accordance with the Paperwork Reduction Act (PRA) of 1995. This rule does not impose any new or modified information collection requirements.

E-Government Act Compliance

The USDA Rural Development is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to

Government information and services, and for other purposes.

Background

The HPG program is a grant program, which provides qualified public agencies, private nonprofit organizations, and other eligible entities grant funds to assist very low- and low-income homeowners in repairing and rehabilitating their homes in rural areas. In addition, the HPG program assists rental property owners and cooperative housing complexes in repairing and rehabilitating their units if they agree to make such units available to low- and very low-income persons.

The regulation governing the HPG program is being amended to provide clarification for the public regarding the eligibility of faith-based and community organizations for the HPG Program.

The reason for the revision is the present regulation lacks language referencing faith-based and community organizations. Revising the regulation will further clarify the definition of "Organization" to include faith-based and community organizations. As a result, this will enable more faith-based and smaller community based organizations to apply for the HPG funding.

List of Subjects in 7 CFR Part 1944

Grant programs—Housing and community development, Home improvement, Loan programs, Housing and community development, Nonprofit organizations, Rural housing.

■ For the reasons set forth in the preamble, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

CHAPTER XVIII—RURAL HOUSING SERVICE, RURAL BUSINESS-COOPERATIVE SERVICE, RURAL UTILITIES SERVICE, AND FARM SERVICE AGENCY, DEPARTMENT OF AGRICULTURE

PART 1944—HOUSING

■ 1. The authority citation for part 1944 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 1480.

Subpart N—Housing Preservation Grants

■ 2. Section 1944.656 is amended by revising the definition for "Organization" to read as follows.

§ 1944.656 Definitions.

* * * * *

Organization. An organization is defined as one of the following:

(1) A State, commonwealth, trust territory, other political subdivision, or public nonprofit corporation authorized to receive and administer HPG funds;

(2) An American Indian tribe, band, group, nation, including Alaskan Indians, Aleuts, Eskimos and any Alaskan Native Village, of the United States which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512);

(3) A private nonprofit organization, including faith-based and community organizations, that is owned and controlled by private persons or interests for purposes other than making gains or profits for the corporation, is legally precluded from distributing any gains or profits to its members, and is authorized to undertake housing development activities; or

(4) A consortium of units of government and/or private nonprofit organizations, including faith-based and community organizations, which is otherwise eligible to receive and administer HPG funds and which meets the following conditions:

(i) Be comprised of units of government and/or private nonprofit corporations that are close together, located in the same state, and serve areas eligible for USDA Rural Development assistance; and

(ii) Have executed an agreement among its members designating one participating unit of government or private nonprofit corporation as the applicant or designating a legal entity (such as a Council of Governments) to be the applicant.

* * * * *

§ 1944.679 [Amended]

■ 3. Section 1944.679 is amended as follows:

■ A. By removing the number “2” and adding the words “at least one” in its place in paragraphs (b)(3)(i) and (ii), and

■ B. By removing the words “, including FmHA or its successor agency under Public Law 103-354’s HPG program” in paragraph (b)(3)(i).

Appendix—Exhibit D to Subpart N of Part 1944 [Amended]

■ 4. In the appendix, Exhibit D to Subpart N of Part 1944, paragraph 3(a) and (b) are amended by removing the word “two” and adding the words “at least one” in its place.

Dated: June 14, 2008.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. E8-14456 Filed 6-25-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2007-0246; Airspace Docket No. 07-ASO-26]

Amendment of Class E Airspace; Danville, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule published in the **Federal Register** (73 FR 15058) that amends the Class E airspace area to support Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (IAPs) that were developed to serve the Stuart Powell Field Airport. Additionally, the direct final rule made a technical amendment addressing the airport’s name change from Goodall Field Airport to Stuart Powell Field Airport.

DATES: Effective 0901 UTC, September 25, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT:

Daryl Daniels, Airspace Specialist, System Support, AJA-E3B.12, FAA Eastern Service Center, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305-5581; fax (404) 305-5572.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on March 21, 2008 (73 FR 15058), Docket No. FAA-2007-0246; Airspace Docket No. 07-ASO-26. The FM uses the direct final rulemaking procedure for a non controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment,

were received within the comment period, the regulation would become effective on September 25, 2008. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, GA, on June 5, 2008.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8-14167 Filed 6-25-08; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2008-0154; Airspace Docket No. 08-ASO-10]

Establishment of Class E Airspace; Canon, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Canon, GA, to accommodate the new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) that have been developed for Franklin County Airport. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP and for Instrument Flight Rule (IFR) operations at Franklin County Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

DATES: *Effective Date:* 0901 UTC, September 25, 2008. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT:

Melinda Giddens, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5610.

SUPPLEMENTARY INFORMATION:

History

On March 21, 2008, the FAA proposed to amend Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Canon, GA, (73 FR 14949). This action provides