

maintain disk and backup files of IMS/PIC data.

**RETRIEVABILITY:**

Tenant records may be retrieved by computer search of indices by the Head of Household's or household member's name, date of birth, and/or SSN of an existing or form HUD program participant. PHA records may be retrieved by PHA Code, User ID, and/or IMS/PIC user's last name. **Note:** A user's search capability is limited to only those program participants within the user's jurisdiction and assigned to his or her User ID.

**SAFEGUARDS:**

Records are maintained at the U.S. Department of Housing and Urban Development in Washington, DC with limited access to those persons whose official duties require the use of such records. Computer files and printed listings are maintained in locked cabinets. Background screening, limited authorization and access with access limited to authorize personnel and authorize users. User's access, updates access, read-only access, and approval access based on the user's role and security access level.

**RETENTION AND DISPOSAL:**

Electronic records are maintained and destroyed in accordance with requirements of the HUD Records Disposition Schedule, 2225-6. In accordance with 24 CFR 908.101 and HUD record retention requirements at 24 CFR 85.42, PHAs are required to retain at least three years' worth of IMS/PIC data either electronically or in paper form.

**SYSTEM MANAGERS AND ADDRESSES:**

Office of Public and Indian Housing (PIH), Real Estate Assessment Center (REAC) Nicole Faison, IMS/PIC System Business Owner, Department of Housing and Urban Development, 451 Seventh Street SW., Room PCFL1, Washington, DC 20410; Eugene Chen, PIC/IMS System Project Manager, Department of Housing and Urban Development, 451 Seventh Street SW., Room PCFL2, Washington, DC 20410.

**NOTIFICATION AND RECORD ACCESS PROCEDURES:**

Individuals seeking to determine whether this system of records contains information about them, or those seeking access to such records, should address inquiries to Harold Williams, Acting Chief Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4156, Washington, DC 20410. Provide verification of your identity by

providing two proofs of identification. Your verification of identity must include your original signature and must be notarized.

**CONTESTING RECORD PROCEDURES:**

Since tenant information reported in IMS/PIC is submitted to HUD by PHAs based on information collected directly from the individual, tenants must contact the PHA to request correction of any tenant-supplied information reported incorrectly by the PHA. HUD does not have the ability to modify PHA-reported data within IMS/PIC. With respect to any HUD determination based on IMS/PIC data, the procedures for appealing HUD's initial determination records are outlined in 24 CFR part 16. If additional information is needed, contact:

- (i) *Contesting content of records:* The Acting Chief Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4156, Washington, DC 20410, if contesting the content of records; or
- (ii) *Appeals of initial HUD determinations:* The Departmental Privacy Appeals Office, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410 for appeals of initial denials.

**RECORD SOURCE CATEGORIES:**

IMS/PIC receives data from HUD staff, HUD contractors, PHAs, PHA-hired management agents, the Social Security Administration, the Department of Veteran Affairs, the Federal Emergency Management Agency, other federal, state and local agencies. The IMS/PIC data reported by PHAs and PHA-hired management agents is electronically transmitted to IMS/PIC using PHA-owned software or via HUD's Family Reporting Software (FRS).

**EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 2012-8968 Filed 4-12-12; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5620-N-01]

**Section 8 Housing Assistance Payments Program-Annual Adjustment Factors, Fiscal Year 2012**

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice of Fiscal Year (FY) 2012 Annual Adjustment Factors (AAFs).

**SUMMARY:** The United States Housing Act of 1937 requires that assistance

contracts signed by owners participating in the Department's Section 8 housing assistance payment programs provide annual adjustments to monthly rentals for units covered by the contracts. This notice announces FY 2012 AAFs for adjustment of contract rents on assistance contract anniversaries. The factors are based on a formula using residential rent and utility cost changes from the most recent annual Bureau of Labor Statistics Consumer Price Index (CPI) survey. These factors are applied at Housing Assistance Payment (HAP) contract anniversaries for those calendar months commencing after the effective date of this notice. For FY 2011 and FY 2010, these AAFs were designated as "Contract Rent" AAFs, to differentiate them from "Renewal Funding" AAFs that were used exclusively for renewal funding of tenant-based rental assistance. Renewal Funding AAFs are being replaced by an inflation factor established by the Secretary, so there is no need to differentiate the AAF by use. A separate **Federal Register** Notice will be published that will identify the inflation factors that will be used to adjust tenant-based rental assistance funding for FY 2012.

**DATES:** *Effective Date:* April 13, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Michael S. Dennis, Director, Housing Voucher Programs, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, 202-708-1380, for questions relating to the Project-Based Certificate and Moderate Rehabilitation programs (non Single Room Occupancy); Ann Oliva, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, 202-708-4300, for questions regarding the Single Room Occupancy (SRO) Moderate Rehabilitation program; Catherine Brennan, Acting Director, Office of Housing Assistance and Grant Administration, Office of Housing, 202-708-3000, for questions relating to all other Section 8 programs; and Geoffrey Newton, Economist, Economic and Market Analysis Division, Office of Policy Development and Research, 202-402-6058, for technical information regarding the development of the schedules for specific areas or the methods used for calculating the AAFs. The mailing address for these individuals is: Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410. Hearing- or speech-impaired persons may contact the Federal Information Relay Service at 800-877-8339 (TTY). (Other than the "800" TTY number, the above-listed telephone numbers are not toll free.)

**SUPPLEMENTARY INFORMATION:** The tables showing AAFs are available electronically from the HUD data information page at [http://www.huduser.org/portal/datasets/aaf/FY2012\\_tables.pdf](http://www.huduser.org/portal/datasets/aaf/FY2012_tables.pdf).

### I. Applying AAFs to Various Section 8 Programs

AAF established by this Notice are used to adjust contract rents for units assisted in certain Section 8 housing assistance payment programs during the initial (i.e., pre-renewal) term of the HAP contract and for all units in the Project-Based Certificate program. There are three categories of Section 8 programs that use the AAFs:

Category 1—The Section 8 New Construction, Substantial Rehabilitation, and Moderate Rehabilitation programs.

Category 2—The Section 8 Loan Management (LM) and Property Disposition (PD) programs.

Category 3—The Section 8 Project-Based Certificate (PBC) program.

Each Section 8 program category uses the AAFs differently. The specific application of the AAFs is determined by the law, the HAP contract, and appropriate program regulations or requirements.

AAF are not used in the following cases:

**Renewal Rents.** With the exception of the Project-Based Certificate program, AAFs are not used to determine renewal rents after expiration of the original Section 8 HAP contract (either for projects where the Section 8 HAP contract is renewed under a restructuring plan adopted under 24 CFR part 401; or renewed without restructuring under 24 CFR part 402). In general, renewal rents are based on the applicable state-by-state operating cost adjustment factor (OCAF) published by HUD; the OCAF is applied to the previous year's contract rent minus debt service.

**Budget-based Rents.** AAFs are not used for budget-based rent adjustments. For projects receiving Section 8 subsidies under the LM program (24 CFR part 886, subpart A) and for projects receiving Section 8 subsidies under the PD program (24 CFR part 886, subpart C), contract rents are adjusted, at HUD's option, either by applying the AAFs or by budget-based adjustments in accordance with 24 CFR 886.112(b) and 24 CFR 886.312(b). Budget-based adjustments are used for most Section 8/202 projects.

**Tenant-based Certificate Program.** In the past, AAFs were used to adjust the contract rent (including manufactured home space rentals) in both the tenant-

based and project-based certificate programs. The tenant-based certificate program has been terminated and all tenancies in the tenant-based certificate program have been converted to the Housing Choice Voucher Program, which does not use AAFs to adjust rents. All tenancies remaining in the project-based certificate program continue to use AAFs to adjust contract rent for outstanding HAP contracts.

**Voucher Program.** AAFs are not used to adjust rents in the Tenant-Based or the Project-Based Voucher programs.

### II. Adjustment Procedures

This section of the notice provides a broad description of procedures for adjusting the contract rent. Technical details and requirements are described in HUD notices H 2002-10 (Section 8 New Construction and Substantial Rehabilitation, Loan Management, and Property Disposition) and PIH 97-57 (Moderate Rehabilitation and Project-Based Certificates).

Because of statutory and structural distinctions among the various Section 8 programs, there are separate rent adjustment procedures for the three program categories:

**Category 1: Section 8 New Construction, Substantial Rehabilitation, and Moderate Rehabilitation Programs**

In the Section 8 New Construction and Substantial Rehabilitation programs, the published AAF is applied to the pre-adjustment contract rent (the contract rent in effect prior to the application of the AAF). In the Section 8 Moderate Rehabilitation program (both the regular program and the single room occupancy program) the published AAF is applied to the pre-adjustment base rent (the base rent in effect prior to the application of the AAF).

For Category 1 programs, the Table 1 AAF is applied before determining comparability (for purposes of determining rent reasonableness). Comparability applies if the pre-adjustment gross rent (pre-adjustment contract rent plus any allowance for tenant-paid utilities) is above the published Fair Market Rent (FMR).

If the comparable rent level (plus any initial difference) is lower than the contract rent as adjusted by application of the Table 1 AAF, the comparable rent level (plus any initial difference) will be the new contract rent. However, the pre-adjustment contract rent will not be decreased by application of comparability.

In all other cases (i.e., unless the contract rent is reduced by comparability):

- The Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.

- The Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

**Category 2: Section 8 Loan Management Program (24 CFR Part 886, Subpart A) and Property Disposition Program (24 CFR Part 886, Subpart C)**

At this time Category 2 programs are not subject to comparability. (Comparability will again apply if HUD establishes regulations for conducting comparability studies under 42 U.S.C. 1437f(c)(2)(C).)

The applicable AAF is determined as follows:

- The Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.

- The Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

**Category 3: Section 8 Project-Based Certificate Program**

The following procedures are used to adjust contract rent for outstanding HAP contracts in the Section 8 PBC program:

- The Table 2 AAF is always used. The Table 1 AAF is not used.

- The Table 2 AAF is always applied before determining comparability (rent reasonableness).

- Comparability always applies. If the comparable rent level is lower than the rent to owner (contract rent) as adjusted by application of the Table 2 AAF, the comparable rent level will be the new rent to owner.

- The new rent to owner will not be reduced below the contract rent on the effective date of the HAP contract.

### III. When To Use Reduced AAFs (From AAF Table 2)

In accordance with Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)), the AAF is reduced by 0.01:

- For all tenancies assisted in the Section 8 Project-Based Certificate program.

- In other Section 8 programs, for a unit occupied by the same family at the time of the last annual rent adjustment (and where the rent is not reduced by application of comparability (rent reasonableness)).

The law provides that:

Except for assistance under the certificate program, for any unit occupied by the same family at the time of the last annual rental adjustment, where the assistance contract provides for the adjustment of the maximum

monthly rent by applying an annual adjustment factor and where the rent for a unit is otherwise eligible for an adjustment based on the full amount of the factor, 0.01 shall be subtracted from the amount of the factor, except that the factor shall not be reduced to less than 1.0. In the case of assistance under the certificate program, 0.01 shall be subtracted from the amount of the annual adjustment factor (except that the factor shall not be reduced to less than 1.0), and the adjusted rent shall not exceed the rent for a comparable unassisted unit of similar quality, type and age in the market area. 42 U.S.C. 1437f(c)(2)(A).

Legislative history for this statutory provision states that “the rationale [for lower AAFs for non-turnover units is] that operating costs are less if tenant turnover is less \* \* \*” (see Department of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations for 1995, Hearings Before a Subcommittee of the Committee on Appropriations 103d Cong., 2d Sess. 591 (1994)). The Congressional Record also states the following:

Because the cost to owners of turnover-related vacancies, maintenance, and marketing are lower for long-term stable tenants, these tenants are typically charged less than recent movers in the unassisted market. Since HUD pays the full amount of any rent increases for assisted tenants in section 8 projects and under the Certificate program, HUD should expect to benefit from this ‘tenure discount.’ Turnover is lower in assisted properties than in the unassisted market, so the effect of the current inconsistency with market-based rent increases is exacerbated. (140 Cong. Rec. 8659, 8693 (1994)).

To implement the law, HUD publishes two separate AAF Tables, Tables 1 and 2. The difference between Table 1 and Table 2 is that each AAF in Table 2 is 0.01 less than the corresponding AAF in Table 1. Where an AAF in Table 1 would otherwise be less than 1.0, it is set at 1.0, as required by statute; the corresponding AAF in Table 2 will also be set at 1.0, as required by statute.

#### IV. How To Find the AAF

AAF Tables 1 and 2 are posted on the HUD User Web site at [http://www.huduser.org/portal/datasets/AAF/FY2012\\_tables.pdf](http://www.huduser.org/portal/datasets/AAF/FY2012_tables.pdf). There are two columns in each AAF table. The first column is used to adjust contract rent for rental units where the highest cost utility is included in the contract rent, i.e., where the owner pays for the highest cost utility. The second column is used where the highest cost utility is not included in the contract rent, i.e., where the tenant pays for the highest cost utility.

The applicable AAF is selected as follows:

- Determine whether Table 1 or Table 2 is applicable. In Table 1 or Table 2, locate the AAF for the geographic area where the contract unit is located.
- Determine whether the highest cost utility is or is not included in contract rent for the contract unit.
- If highest cost utility is included, select the AAF from the column for “Highest Cost Utility Included.” If highest cost utility is not included, select the AAF from the column for “Highest Cost Utility Excluded.”

#### V. Methodology

AAFs are rent inflation factors. Two types of rent inflation factors are calculated for AAFs: gross rent factors and shelter rent factors. The gross rent factor accounts for inflation in the cost of both the rent of the residence and the utilities used by the unit; the shelter rent factor accounts for the inflation in the rent of the residence, but does not reflect any change in the cost of utilities. The gross rent inflation factor is designated as “Highest Cost Utility Included” and the shelter rent inflation factor is designated as “Highest Cost Utility Excluded.”

AAFs are calculated using CPI data on “rent of primary residence” and “fuels and utilities.”<sup>1</sup> The CPI inflation index for rent of primary residence measures the inflation of all surveyed units regardless of whether utilities are included in the rent of the unit or not. In other words, it measures the inflation of the “contract rent” which includes units with all utilities included in the rent, units with some utilities included in the rent, and units with no utilities included in the rent. In producing a gross rent inflation factor and a shelter rent inflation factor, HUD decomposes the contract rent CPI inflation factor into parts to represent the gross rent change and the shelter rent change. This is done by applying data from the Consumer Expenditure Survey (CEX) on the percentage of renters who pay for heat (a proxy for the percentage of renters who pay shelter rent) and also American Community Survey (ACS) data on the ratio of utilities to rents.<sup>2</sup>

#### Survey Data Used To Produce AAFs

The rent and fuel and utilities inflation factors for large metropolitan areas and Census regions are based on changes in the rent of primary residence

and fuels and utilities CPI indices from 2009 to 2010. The CEX data used to decompose the contract rent inflation factor into gross rent and shelter rent inflation factors come from a special tabulation of 2009 CEX survey data produced for HUD for the purpose of computing AAFs. The utility-to-rent ratio used to produce AAFs comes from 2009 ACS median rent and utility costs.

#### Geographic Areas

AAFs are produced for all Class A CPI cities (CPI cities with a population of 1.5 million or more) and for the four Census Regions. They are applied to core-based statistical areas (CBSAs), as defined by the Office of Management and Budget (OMB), according to how much of the CBSA is covered by the CPI city-survey. If more than 75 percent of the CBSA is covered by the CPI city-survey, the AAF that is based on that CPI survey is applied to the whole CBSA and to any HUD-defined metropolitan area, called the “HUD Metro FMR Area” (HMFA), within that CBSA. If the CBSA is not covered by a CPI city-survey, the CBSA uses the relevant regional CPI factor. Almost all non-metropolitan counties use regional CPI factors.<sup>3</sup> For areas assigned the Census Region CPI factor, both metropolitan and non-metropolitan areas receive the same factor.

Each metropolitan area that uses a local CPI update factor is listed alphabetically in the tables and each HMFA is listed alphabetically within its respective CBSA. Each AAF applies to a specific geographic area and to units of all bedroom sizes. AAFs are provided:

- For separate metropolitan areas, including HMFAs and counties that are currently designated as non-metropolitan, but are part of the metropolitan area defined in the local CPI survey.
- For the four Census Regions (to be used for those metropolitan and non-metropolitan areas that are not covered by a CPI city-survey).

AAFs use the same OMB metropolitan area definitions, as revised by HUD, that are used for the FY 2012 FMRs.

<sup>3</sup> There are four non-metropolitan counties that continue to use CPI city updates: Ashtabula County, OH, Henderson County, TX, Island County, WA, and Lenawee County, MI. BLS has not updated the geography underlying its survey for new OMB metropolitan area definitions and these counties, are no longer in metropolitan areas, but they are included as parts of CPI surveys because they meet the 75 percent standard HUD imposes on survey coverage. These four counties are treated the same as metropolitan areas using CPI city data.

<sup>1</sup> CPI indexes CUUSA103SEHA and CUSR0000SAH2 respectively.

<sup>2</sup> The formulas used to produce these factors can be found in the Annual Adjustment Factors overview and in the FMR documentation at [www.HUDUSER.org](http://www.HUDUSER.org).

**Area Definitions**

To make certain that they are using the correct AAFs, users should refer to the Area Definitions Table section at [http://www.huduser.org/portal/datasets/aaf/FY2012\\_AreaDef.pdf](http://www.huduser.org/portal/datasets/aaf/FY2012_AreaDef.pdf). The Area Definitions Table lists CPI areas in alphabetical order by state, and the associated Census region is shown next to each state name. Areas whose AAFs are determined by local CPI surveys are listed first. All metropolitan areas with local CPI surveys have separate AAF schedules and are shown with their corresponding county definitions or as metropolitan counties. In the six New England states, the listings are for counties or parts of counties as defined by towns or cities. The remaining counties use the CPI for the Census Region and are not specifically listed in the Area Definitions Table at [http://www.huduser.org/portal/datasets/aaf/FY2012\\_AreaDef.pdf](http://www.huduser.org/portal/datasets/aaf/FY2012_AreaDef.pdf).

Puerto Rico and the Virgin Islands use the South Region AAFs. All areas in Hawaii use the AAFs listed next to "Hawaii" in the Tables which are based on the CPI survey for the Honolulu metropolitan area. The Pacific Islands use the West Region AAFs.

Dated: April 3, 2012.

**Raphael W. Bostic,**

*Assistant Secretary for Policy Development and Research.*

[FR Doc. 2012-8971 Filed 4-12-12; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS-WASO-NRNL-0412-9961; 2200-3200-665]

**National Register of Historic Places; Notification of Pending Nominations and Related Actions**

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before March 24, 2012. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202-371-6447. Written

or faxed comments should be submitted by April 30, 2012. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**J. Paul Loether,**

*Chief, National Register of Historic Places/ National Historic Landmarks Program.*

**MICHIGAN****Alger County**

Grand Marais Harbor of Refuge Inner and Outer Lights, (Light Stations of the United States MPS) W. pier at entry to Grand Marais Harbor of Refuge (Burt Township), Grand Marais, 12000254.

**MISSOURI****St. Louis Independent City**

Yeatman Square Historic District, Parts of Glasgow, Leffingwell, Madison, Magazine, & N. Market Sts., St. Louis (Independent City), 12000255.

**NEW YORK****Oneida County**

Wright Settlement Cemetery, Cemetery Rd., Wright Settlement, 12000256.

**Orange County**

Denniston—Steidle House, 575 Jackson Ave., New Windsor, 12000257.

**Orleans County**

Clarendon General Store, 16301 E. Lee Rd., Clarendon, 12000258.  
Payjack Chevrolet Building, 320 N. Main St., Medina, 12000259.

**Saratoga County**

Smith's Grain and Feed Store, 857 Main St., Elnora, 12000260.

**Schoharie County**

Stewart House and Howard—Stewart Family Cemetery, 583 NY 10, South Jefferson, 12000261.

**Westchester County**

St. George's Church, 1715 E. Main St., Mohegan Lake, 12000262.

**NORTH CAROLINA****Forsyth County**

Pepper Building, 100-106 W. 4th St., Winston-Salem, 12000263.

[FR Doc. 2012-8867 Filed 4-12-12; 8:45 am]

**BILLING CODE 4312-51-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 731-TA-1089 (Review)]

**Certain Orange Juice From Brazil****Determination**

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty order on certain orange juice from Brazil would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

**Background**

The Commission instituted this review on February 1, 2011 (76 FR 5822, February 2, 2011) and determined on May 9, 2011 that it would conduct a full review (76 FR 30197, May 24, 2011). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on July 14, 2011 (76 FR 43344, July 20, 2012). The hearing was held in Washington, DC, on January 24, 2012, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on April 9, 2012. The views of the Commission are contained in USITC Publication 4311 (April 2012), entitled *Certain Orange Juice from Brazil: Investigation No. 731-TA-1089 (Review)*.

Issued: April 10, 2012.

By order of the Commission.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2012-8898 Filed 4-12-12; 8:45 am]

**BILLING CODE 7020-02-P**

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).