

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 95-ANM-11." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM-530, 1601 Lind Avenue S.W., Renton, Washington 98055-4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Salt Lake City, Utah, to accommodate a new

instrument approach procedure at Salt Lake City International Airport. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(G); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

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ANM UT E5 Salt Lake City, UT [Revised]

Salt Lake City International Airport, UT
(Lat. 40°47'13" N, long. 111°58'08" W)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 41°00'00" N, long. 111°45'03" W, then south along long. 111°45'03" W, to lat. 40°22'30" N, thence southeast to lat. 40°10'20" N, long. 111°35'03" W, thence southwest to lat. 40°03'30" N, long. 111°48'33" W, thence northwest to lat. 40°43'00" N, long. 112°22'03" W, thence north along long. 112°22'03" W, to lat. 41°00'00" N, thence east along lat. 41°00'00" N, to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 41°00'00" N, on the east by long. 111°25'33" W, on the south by lat. 39°56'30" N, to long. 111°55'03" W, thence south along long. 111°55'03" W, to lat. 39°48'00" N, long. 111°55'03" W, thence south to 39°04'00" N, 112°27'30" W, thence northwest to lat. 39°48'00" N, long. 112°50'00" W, thence west via lat. 39°48'00" N, to the east edge of Restricted Area R-6402A, and on the west by the east edge of Restricted Area R-6402A, Restricted Area R-6402B and Restricted Area R-6406B and long. 113°00'03" W; that airspace east of Salt Lake City extending upward from 11,000 feet MSL bounded on the northwest by the southeast edge of V-32, on the southeast by the northwest edge of V-235, on the southwest by the northeast edge of V-101 and on the west by long. 111°25'33" W; excluding that airspace within the Evanston, WY, 1,200-foot Class E airspace area; that airspace southeast of Salt Lake City extending upward from 13,500 feet MSL bounded on the northeast by the southwest edge of V-484, on the south by the north edge of V-200 and on the west by long. 111°25'33" W; excluding the portion within Restricted Area R-6403 and the Bonneville, UT Class E airspace area.

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Issued in Seattle, Washington, on April 19, 1995.

Bill H. Ellis,

Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 95-11276 Filed 5-8-95; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Assistant Secretary for Public and Indian Housing****24 CFR Parts 950 and 990**

[Docket No. R-95-1783; FR-3747-P-01]

RIN 2577-AB47

Performance Funding System: Unit Months Available**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.**ACTION:** Proposed rule.**SUMMARY:** The Department is proposing to revise the Performance Funding System to permit payment of operating subsidies for scattered-site units as they become occupied.**DATES:** Comments due date: July 10, 1995.**ADDRESSES:** Interested persons are invited to submit written comments regarding this proposed rule to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. at the above address. Facsimile (FAX) comments are *not* acceptable.**FOR FURTHER INFORMATION CONTACT:** Mr. John T. Comerford, Director, Financial Management Division, Office of Management Operations, Public and Indian Housing, Room 4212, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington D.C. 20410, telephone (202) 708-1872; or with respect to the Indian Housing programs, Ms. Joann A. Teiken, Financial Management Specialist, Office of Native American Programs, Public and Indian Housing, Room B-133, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington D.C. 20410, telephone (202) 708-2980. Hearing or speech impaired individuals may call HUD's TDD number, (202) 708-0850. (These telephone numbers are not toll-free.)**SUPPLEMENTARY INFORMATION:** HUD's current policy provides that eligibility for operating subsidy depends on the date of the End of Initial Operating Period (EIOP), and the subsidy is payable for the project as a whole, not on the basis of individual units. Any operating deficit prior to EIOP is chargeable to the Development Cost

Budget, thereby reducing funds available for other development costs. This procedure is founded on practices historically used in large, multi-unit apartment projects, but is not necessarily appropriate to projects involving acquisition of existing, scattered site units.

This proposed rule would revise the definition of Unit Months Available (§§ 950.102 and 990.102) and provide an explanation of the alternate method for calculating unit months available upon acquisition of units in a scattered site project (§§ 950.705 and 990.104(b)). This change in procedure would be made applicable to scattered site developments acquired by Indian Housing Authorities.

Findings and Certifications

The subject matter of this proposed rule is categorically excluded from HUD's environmental clearance procedures under 24 CFR 50.20(k). It relates to internal administrative procedures whose content does not constitute a development decision or affect the physical condition of project areas or building sites.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this proposed rule before publication and by approving it certifies that this proposed rule does not have a significant economic impact on substantial number of small entities. The proposed rule would recognize that homes that are part of scattered-site developments become ready for occupancy at varying times, and would remove a potential penalty to housing authorities who would otherwise have to wait for all units in a scattered-site development to be occupied before they can receive subsidy.

Executive Order 12612, FederalismThe General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this proposed rule would not have federalism implications and, thus, are not subject to review under the Order. The proposed rule would refine an established formula under which HUD calculates operating subsidies for low-income housing developments, but contains no requirement for explicit action by local officials and would not interfere with State or local governmental functions.**Executive Order 12606**

The General Counsel, as the Designated Official under Executive

Order 12606, *The Family*, has determined that this proposed rule would not have potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this proposed rule, as those policies and programs relate to family concerns.**Regulatory Agenda**

This proposed rule was listed as item 1881 in the Department's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632, 57670) in accordance with Executive Order 12866 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance number is 14.850.

List of Subjects*24 CFR Part 950*

Aged, Grant programs—housing and community development, Grant programs—Indians, Indians, Individuals with disabilities, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 990

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

Accordingly, in title 24 of the Code of Federal Regulations, parts 950 and 990 would be amended, as follows:

PART 950—INDIAN HOUSING PROGRAMS

1. The authority citation for part 950 would continue to read as follows:

Authority: 25 U.S.C. 405e(b), 1437aa-1437ee, and 3535(d).2. Section 950.102 would be amended by revising the definition of "*Unit months available*", to read as follows:**§ 950.102 Definitions.**

* * * * *

Unit months available. Units multiplied by the number of months the project units are available for occupancy during a given IHA fiscal year. See also § 950.705(b).

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3. The existing text in § 950.705 would be redesignated as paragraph (a), and a new paragraph (b) would be added, to read as follows:

§ 950.705 Determination of amount of operating subsidy under PFS.

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(b) For purposes of this part, a unit is considered available for occupancy from the date on which the End of Initial Operating Period (EIOP) is established for the project with which it is associated until the time it is approved by HUD for deprogramming and is vacated or is approved for non-dwelling use, except that, on or after July 1, 1991, a unit shall not be considered available for occupancy in any IHA Requested Budget Year if the unit is located in a vacant building in a project that HUD has determined to be nonviable. In the case of an IHA development involving the acquisition of scattered site housing, the IHA may submit, and HUD shall review and can approve, a revised Development Cost Budget reflecting the number of units that were occupied during the previous six months, and the Unit Months Available used in the calculation of operating subsidy eligibility shall be revised to include the number of months the new/acquired units are actually occupied.

PART 990—ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

4. The authority citation for part 990 would continue to read as follows:

Authority: 42 U.S.C. 1437g and 3535(d).

5. Section 990.102 would be amended by revising the definition of "Unit Months Available", to read as follows:

§ 990.102 Definitions.

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Unit months available. Units multiplied by the number of months the project units are available for occupancy during a given PHA fiscal year. See also § 990.104(b).

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6. In § 990.104, paragraph (b) would be revised, to read as follows:

§ 990.104 Determination of amount of operating subsidy under PFS.

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(b) For purposes of this part, a unit is considered available for occupancy from the date on which the End of Initial Operating Period (EIOP) is established for the project with which it is associated until the time it is approved by HUD for deprogramming and is vacated or is approved for non-dwelling use, except that, on or after July 1, 1991, a unit shall not be considered available for occupancy in any PHA Requested Budget Year if the unit is located in a vacant building in a project that HUD has determined to be nonviable. In the case of a PHA development involving the acquisition of scattered site housing, the PHA may submit, and HUD shall review and can approve, a revised

Development Cost Budget reflecting the number of units that were occupied during the previous six months, and the Unit Months Available used in the calculation of operating subsidy eligibility shall be revised to include the number of months the new/acquired units are actually occupied.

Dated: March 24, 1995.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 95-11372 Filed 5-8-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

33 CFR Part 84

Coast Guard

[CGD 95-037]

Adequacy of Barge and Tug Navigation Lights

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: Concern has been expressed that current lighting requirements are not adequate for towing vessels and vessels under tow. The Coast Guard also receives frequent requests for clarification of lighting requirements. Therefore, it has asked the Navigation Safety Advisory Council (NAVSAC) to review this issue. It also solicits public comments on the need for possible changes to or clarification of lighting requirements.

DATES: Written comments must be received not later than September 6, 1995.

ADDRESSES: Written comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments will become part of this docket and will be available for inspection or copying at room 3406, Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Margie G. Hegy, Executive Director, Navigation Safety Advisory Council, phone (202) 267-0415. This telephone is equipped to take messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION: The Inland Navigation Rules (Navigation Rules) are set forth in 33 U.S.C. 2001 et seq. Lighting requirements for towing

vessels and vessels under tow are contained in Rule 24, 33 U.S.C. 2024. Under 33 U.S.C. 2071, the Secretary of Transportation may issue regulations to implement and interpret the Navigation Rules. The Secretary is also directed to establish technical annexes. The technical annex for lighting requirements is contained in 33 CFR Part 84. This annex specifies placement requirements for lights, including placement of lights on towing vessels and vessels under tow.

Safety concerns associated with towing operations and small craft traffic have been raised in recent years in several publications, including the American Boat and Yacht Council Newsletter, U.S. Coast Guard boating Safety Circulars, America's Inland and Coastal Tug and Barge Operators pamphlet "Life Lines", and various yachting magazines. The safety aspects of barge lighting were discussed at the May 1994 meeting of the National Boating Safety Advisory Council (NBSAC). At its November 1994 meeting, NAVSAC was also asked to consider whether current tug and tow lighting requirements are adequate.

After considerable discussion, NAVSAC concluded that additional information was needed to determine whether there was an actual problem, and, if so, possible solutions. The Council unanimously passed a resolution requesting that the Coast Guard solicit public comments on whether towing vessels and vessels being towed are sufficiently lighted while underway.

In addition to other information you may wish to provide, NAVSAC is particularly interested in receiving comments regarding the lighting of barges towed astern. There has been concern that an approaching vessel could misinterpret prescribed lighting and not realize the presence of a towing hawser. The length of the hawser can be considerable, up to one-half mile in some waters, and the positions of the barge(s) are not always directly astern of the towing vessel. Barges towed astern are currently lighted with sidelights and a stern light only, the same as a sailing vessel, while barges pushed ahead or towed alongside also carry a "special yellow flashing" light forward.

One suggestion under consideration by NAVSAC is extending the requirement for a yellow flashing light to barges towed astern. After an approaching vessel identifies that a barge is under tow it will be able to determine the location of the towing hawser.

Another suggestion is that a towing vessel towing astern be required to show