

while not occurring on another until 250 hours TIS. This is due to different usage levels and the various ways sailplanes are operated and utilized. In addition, the average monthly usage of the affected sailplane ranges throughout the fleet. For example, one owner may operate the sailplane 25 hours TIS in one week, while another operator may operate the sailplane 25 hours TIS in one year. In order to assure that the unsafe condition is detected and corrected on all affected sailplanes in a timely manner without inadvertently grounding any affected sailplane, the FAA is proposing compliance based on calendar time instead of hours TIS.

### Cost Impact

The FAA estimates that 9 sailplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 14 workhours per sailplane to accomplish the proposed AD, and that the average labor rate is approximately \$60 an hour. Parts are available from the manufacturer at no cost. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$7,560, or \$840 per sailplane.

### Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the 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. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 98-09-09, Amendment 39-10489 (63 FR 20308, April 24, 1998), and by adding a new airworthiness directive (AD) to read as follows:

**Alexander Schleicher Segelflugzeugbau:**  
Docket No. 99-CE-06-AD.

**Applicability:** Model ASH 26E sailplanes, all serial numbers, certificated in any category; that are equipped with an internal cooling system air fan that does not incorporate a black impeller, part number (P/N) R1K074.

**Note 1:** This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated in the body of this AD, unless already accomplished.

To prevent failure of the internal cooling system air fan caused by a certain design configuration of the impeller, which could cause the engine to overheat with possible engine failure, accomplish the following:

(a) Within the next 30 calendar days after the effective date of this AD, inspect the internal cooling air fan for damage in accordance with Alexander Schleicher Technical Note No. 5, dated July 23, 1998.

(b) Replace the internal cooling system air fan with a fan that incorporates a black impeller, P/N R1K074, at whichever of the compliance times below (paragraphs (b)(1) and (b)(2) of this AD) that applies. Accomplish this replacement in accordance with Mid-West Service Bulletin No. 02, dated November 13, 1997:

(1) Prior to further flight if damage is found in the internal cooling air fan during the inspection required by paragraph (a) of this AD; or

(2) Within the next 9 calendar months after the effective date of this AD if damage is not

found during the inspection required by paragraph (a) of this AD.

(c) As of the effective date of this AD, no person may install, on any affected sailplane, an internal cooling system air fan that does not incorporate a black impeller, P/N R1K074, as specified in Mid-West Service Bulletin No. 02, dated November 13, 1997; and Alexander Schleicher Technical Note No. 5, dated July 23, 1998.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(f) Questions or technical information related to Alexander Schleicher Technical Note No. 5, dated July 23, 1998, should be directed to Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Note 3:** The subject of this AD is addressed in German AD 1998-391, dated October 8, 1998.

Issued in Kansas City, Missouri, on April 19, 1999.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 99-10312 Filed 4-23-99; 8:45 am]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Chapter IX

[Docket No. FR-4459-N-03]

### Section 8 Housing Certificate Fund Rule; Notice of Establishment of Negotiated Rulemaking Committee and Notice of First Meeting

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Establishment of Negotiated Rulemaking Advisory Committee and notice of first meeting.

**SUMMARY:** HUD announces the establishment of a negotiated

rulemaking advisory committee under the Federal Advisory Committee Act. The establishment of the committee is required by the Quality Housing and Work Responsibility Act of 1998, which requires issuance of regulations under the Negotiated Rulemaking Act of 1990. The purpose of the Committee is to discuss and negotiate a rule that would change the current method of distributing funds to public housing agencies (PHAs) for purposes of renewing assistance contracts in the tenant-based Section 8 program. The committee will consist of persons representing stakeholder interests in the outcome of the rule. This notice announces the committee members and the dates, location, and agenda for the first committee meeting.

**DATES:** The first committee meeting will be held on April 27 and 28, 1999. On both days, the meeting will begin at approximately 9:00 am and conclude at approximately 5:00 pm.

**ADDRESSES:** The first committee meeting will take place at the Hyatt Dulles Hotel (Concorde Ballroom), 2300 Dulles Corner Boulevard, Herndon, VA 22701.

**FOR FURTHER INFORMATION CONTACT:** Robert Dalzell, Senior Program Advisor, Office of Public and Assisted Housing Delivery, Office of Public and Indian Housing, Room 4204, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500; telephone (202) 708-1380 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On October 21, 1998, the Congress enacted the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105-276, 112 Stat. 2461) (the "1998 Act"). The 1998 Act made significant changes to HUD's public and assisted housing programs. These changes include the addition of a new section 8(dd) to the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*).

The new section 8(dd) specifies the method to be used by HUD in calculating assistance provided to public housing agencies (PHAs) to renew Section 8 tenant-based rental and voucher contracts. Specifically, section 8(dd) directs HUD to establish an allocation baseline amount of assistance (budget authority) to cover the renewals, and to apply an inflation factor (based on local or regional factors) to the baseline.

Section 556(b) of the 1998 Act requires HUD to implement section 8(dd) through notice not later than December 31, 1998, and to issue final regulations on this subject that are developed through the negotiated rulemaking process no later than October 21, 1999. On December 30, 1998, HUD issued Public and Indian Housing (PIH) Notice 98-65, which advised PHAs on how HUD is calculating the amount of assistance available for purposes of Section 8 tenant-based rental certificate and voucher contract renewals. On February 18, 1999 (64 FR 8188), HUD published a notice in the **Federal Register** providing, for the benefit of the public, the contents of PIH Notice 98-65.

On March 19, 1999 (64 FR 13531), HUD published a notice of intent to establish an advisory committee to discuss and negotiate a proposed rule that would implement new section 8(dd). The basic concept of negotiated rulemaking is to have the agency that is considering drafting a rule bring together representatives of affected interests for face-to-face negotiations that are open to the public. The give-and-take of the negotiation process is expected to foster constructive, creative and acceptable solutions to difficult problems. The March 19, 1999 notice: (1) Advised the public of HUD's intent to establish the negotiated rulemaking committee; (2) solicited public comments on the proposed membership of the committee; and (3) explained how persons could be nominated for membership on the committee.

##### **II. The Negotiated Rulemaking Advisory Committee**

This notice announces HUD's establishment of the Negotiated Rulemaking Advisory Committee on Section 8 Tenant-Based Contract Renewal Allocation. As noted above, the March 19, 1999 notice tentatively identified a list of possible interests and parties to be represented on the negotiated rulemaking committee, and requested public comment on the proposed committee membership. The public comment period on the March 19, 1999 notice closed on April 19, 1999. HUD has carefully considered the 10 comments received on the proposed committee membership.

The list of committee members includes representatives from PHAs, public interest groups, national/regional PHA associations, independent accounting firms, and HUD. Additionally, five members of the Consensus Building Institute, Inc. will serve as facilitators. The list of members for the Negotiated Rulemaking Advisory

Committee on Section 8 Tenant-Based Contract Renewal Allocation is as follows:

##### **Housing Agencies**

1. Massachusetts Department of Housing and Community Development, Boston, MA
2. New Jersey Department of Community Affairs, Trenton, NJ
3. Southeastern Minnesota Multi-County Housing and Redevelopment Authority, Wabasha, MN
4. Oklahoma Housing Finance Agency, Oklahoma City, OK
5. Fort Worth Housing Authority, Fort Worth, TX
6. Minneapolis Metropolitan Council Housing and Redevelopment Agency, Saint Paul, MN
7. Santa Cruz County Housing Authority, Santa Cruz, CA
8. Burlington Housing Authority, Burlington, VT
9. Michigan State Housing Development Authority, Lansing, MI
10. New York City Housing Authority, NYC, NY
11. Atlanta Housing Authority, Atlanta, GA
12. Cincinnati Metropolitan Housing Authority, Cincinnati OH
13. Housing Authority of the City of Los Angeles, Los Angeles, CA
14. Stillwater Housing Authority, Stillwater, OK
15. Spokane Housing Authority, Spokane, WA
16. Jacksonville Housing Authority, Jacksonville, FL
17. FCHA, Bay County, FL
18. Alameda County Housing Authority, Alameda, CA
19. Housing Authority of New Orleans, New Orleans, LA
20. Stustman County Housing Authority, Stustman County, ND

##### **Public Interest Groups**

1. Center on Budget and Policy Priorities, Washington, D.C.
2. New Community Corporation, Newark, NJ
3. Disability Rights Action Coalition for Housing
4. Section 8 Residents Council of New Orleans, Inc., New Orleans, LA

##### **Independent Accounting Firms**

1. Fenton, Ewald & Associates, PC
2. Orion Consulting, Inc.

##### **National/Regional PHA Associations**

1. National Leased Housing Association (NLHA)
2. National Association of Housing and Redevelopment Officials (NAHRO)
3. Council of Large Public Housing Authorities (CLPHA)

#### 4. Public Housing Authority Directors Association (PHADA)

#### Federal Government

##### 1. U.S. Department of Housing and Urban Development

In addition to the list of committee members noted above, HUD has identified the following two organizations as possible alternate or additional members of the negotiated rulemaking committee:

1. Southeast Regional Section 8 Housing Association (SERSHA)
2. Richmond Better Housing Coalition, Richmond, VA

#### III. First Committee Meeting

The first meeting of the negotiated rulemaking committee will be held on April 27 and April 28, 1999. On both days, the meeting is expected to start at 9 am and run until approximately 5 pm. On both days, the meeting will take place at the Hyatt Dulles Hotel (Concorde Ballroom), 2300 Dulles Corner Boulevard, Herndon, VA 22701.

The agenda planned for the meeting includes: (1) orienting members to the negotiated rulemaking process; (2) establishing a basic set of understandings and ground rules (protocols) regarding the process that will be followed in seeking a consensus; and (3) discussion of the issues relating to the development of regulations implementing new section 8(dd).

The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this document. Summaries of committee meetings will be available for public inspection and copying at the address in the same section.

In accordance with the General Services Administration (GSA) regulations implementing the Federal Advisory Committee Act, HUD normally publishes a **Federal Register** meeting document at least 15 calendar days before the date of an advisory committee meeting (see 41 CFR 105-54.301(i)). The GSA regulations, however, also provide that an agency may give less than 15 days document if the reasons for doing so are included in the **Federal Register** meeting document. (See 41 CFR 105-54.301(j).) Given the strict statutory deadline for implementation of new section 8(dd), HUD believes it is

imperative that the negotiations for development of the regulations begin as soon as possible. Failure to publish the final rule on a timely basis will delay the provision of Section 8 tenant-based renewal funding to PHAs. Accordingly, rather than defer the start of the negotiations, HUD has decided to proceed with the committee meeting announced in the March 19, 1999 notice.

Dated: April 21, 1999.

**Harold Lucas,**

*Assistant Secretary for Public and Indian Housing.*

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BILLING CODE 4210-33-P

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### 24 CFR Chapter IX

[Docket No. FR-4423-N-02]

#### Capital Fund Rule; Notice of Establishment of Negotiated Rulemaking Committee and Notice of First Meeting

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Establishment of Negotiated Rulemaking Advisory Committee and notice of first meeting.

**SUMMARY:** HUD announces the establishment of a negotiated rulemaking advisory committee under the Federal Advisory Committee Act. The establishment of the committee is required by the Quality Housing and Work Opportunity Act of 1998, which requires issuance of regulations under the Negotiated Rulemaking Act of 1990. The purpose of the Committee is to discuss and negotiate a proposed rule that would change the current method of determining the allocation of capital funds to public housing agencies (PHAs). The committee consists of representatives with a definable stake in the outcome of a proposed rule. This document announces the committee members and the dates, location, and agenda for the first committee meeting.

**DATES:** The first committee meeting will be held on April 28-29, 1999. On April 28, 1999, the meeting will start at approximately 10:00 am and run until completion; on April 29, 1999, the meeting will start at 9:00 am and run until approximately 5:00 pm.

**ADDRESSES:** The first committee meeting will take place at the Tysons Corner Doubletree Hotel, 7801 Leesburg Pike,

Falls Church, VA 22043; telephone (703) 893-1340.

**FOR FURTHER INFORMATION CONTACT:** William Flood, Director, Office of Capital Improvements, Public and Indian Housing, Room 4134, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500; telephone (202) 708-1640 ext. 4185 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free federal Information Relay Service at 1-800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

HUD currently uses a formula approach called the Comprehensive Grant Program (CGP) to distribute capital funds to large public housing agencies (PHAs) (i.e. PHAs with 250 units or more) and a competitive program called the Comprehensive Improvement Assistance Program (CIAP) for small PHAs (i.e., PHAs with less than 250 units). A regulatory description of the CGP and CIAP can be found at 24 CFR part 968. Generally, the amount of capital funding received by a PHA is based on the number of units, type of units, condition of its units, cost of construction in the area and prior funding. While the amount can vary, it is the only source of capital funding that most PHAs receive to make major capital investments in its public housing stock. For example, in 1998, HUD distributed over \$2.1 billion in capital funds for CGP and \$307 million for CIAP to PHAs for 830 PHAs and over 900 PHAs respectively.

On March 19, 1999 (64 FR 13533), HUD published a notice of intent to establish an advisory committee to discuss and negotiate a proposed rule that would change the current method of determining the allocation of capital funds to PHAs. The establishment of the committee is required by the Quality Housing and Work Responsibility Act of 1996 (Pub.L. 105-276, approved October 21, 1998; 112 Stat. 2461) (the "1998 Act"). The 1998 Act makes extensive changes to HUD's public and assisted housing programs. These changes include the establishment of a Capital Fund for the purpose of making assistance available to PHAs for capital and management activities of public housing under Section 9(d) of the U.S. Housing Act of 1937, as amended.

The 1998 Act requires that the assistance to be made available from the new Capital Fund be determined using a formula developed through negotiated rulemaking procedures. The basic