

(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.

* * * * *

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.

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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

three masthead lights regardless of the length of the tow. This would clearly indicate that a hawser is in use. The two masthead lights would be reserved for a towing vessel pushing ahead or towing alongside. Currently, three masthead lights are shown only if the length of the tow exceeds 200 meters—if less than 200 meters, two masthead lights are carried, the same as when pushing ahead or towing alongside.

Barges pushed ahead or towed alongside are also of concern because of the large expanse of hull with no lights. The Coast Guard routinely receives requests for clarification of Rule 24(f), usually in conjunction with a specific scenario/lighting scheme that has been observed or a proposed lighting scheme.

Comments should clearly describe any problems associated with barge lighting and, if possible, provide potential solutions. The Coast Guard is particularly interested in recommendations that would not require amendment of the Navigation Rules. The Coast Guard also desires to ensure conformity with the International Rules. In adopting the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS), the United States not only agreed that its vessels would abide by those regulations when in international waters, but also that any special rules adopted by the United States for use on waterways connected with the high seas and navigable by seagoing vessels would "conform as closely as possible to these rules" (72 COLREGS, Rule 1).

Comments received in response to this notice will be considered by the Coast Guard and NAVSAC. A Rules of the Road Committee will convene at the next Council meeting, tentatively scheduled to be held in New Orleans, LA on November 10–12, 1995, to continue discussions on this issue. This meeting will be announced by a notice in the **Federal Register**.

Dated: May 2, 1995.

G.A. Penington,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 95–11302 Filed 5–8–95; 8:45 am]

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Coast Guard

33 CFR Part 117

[CGD11–95–003]

RIN 2115–AE47

Drawbridge Operation Regulations; Oakland Inner Harbor Tidal Canal, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Alameda County, California Public Works Agency, the Coast Guard is considering amending the regulation or the draws of the Alameda County vehicular bridges crossing the Oakland Inner Harbor Tidal Canal at the following locations: Park Street, mile 7.3; Fruitvale Avenue, mile 7.7; High Street, mile 8.1; as well as the U.S. Army Corps of Engineers railroad bridge, mile 7.7 at Fruitvale Avenue. Under the existing regulations, the draws are attended 24 hours per day, and open on signal except during designated morning and afternoon commute periods. The proposed amendment requires attended service 16 hours per day, preserves the existing commute hours closures, and provides for openings on four-hour notice during nighttime hours when an operator is not in constant attendance. This amendment will allow the bridge owner to reduce operating expenses and should still provide for the reasonable needs of navigation. In addition, the identifying waterway mileage designating the location of, and the call sign for, each bridge would be revised to conform with the currently utilized standard of measurement.

DATES: Comments must be received on or before June 23, 1995.

ADDRESSES: Comments may be mailed to Commander (oan-br), Eleventh Coast Guard District, Room 214, Building 10, Coast Guard Island, Alameda, CA 94501–5100, or may be delivered to Room 214 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

Commander (oan-br), Eleventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of the docket and will be available for inspection or copying at Room 214, Building 10, Coast Guard Island, Alameda, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jerry P. Olmes, Bridge Section, Eleventh Coast Guard District, telephone (510) 437–3514.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD11–95–003) and the specific section of this proposal to which each comment applies, and give the reason

for each comment. The Coast Guard requests that comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If this is not practical, a second copy of any bound materials is requested. Persons desiring acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Jerry P. Olmes, Eleventh Coast Guard District Bridge Section, Project Manager, and Lieutenant Robin J. Barber, Eleventh Coast Guard District Legal Office, Project Counsel.

Background and Purpose

The four drawbridges used for automobile and railroad traffic across the Oakland Inner Harbor Tidal Canal are operated and maintained by the County of Alameda, California. The U.S. Army Corps of Engineers (USACOE) railroad bridge at Fruitvale Avenue is owned by the USACOE, but is operated by the County in coordination with the Fruitvale Avenue automobile bridge. The minimum vertical clearance of the lowest of the bridges in the closed position is 13 feet (3.96 meters) above Mean High Water (MHW).

At present, under the rules in 33 CFR 117.181 the bridges have attended service 24 hours per day and open upon signal, except for morning and afternoon commute hours closures. Historically, the Park Street Bridge is the most frequently opened bridge, opening about 1,500 times annually to allow 2,000 vessels to pass. Approximately 60% of the openings are for recreational vessels, which travel predominantly during daylight hours, and one third of the openings are for commercial vessels, which historically transit at all hours.

An analysis of the County's logs of bridge openings at the series of bridges for the year ending March 31, 1993 indicates that 96% of transiting