

final decision on holding that referendum will not be made until the spring of 2000. The Committee traditionally meets each year during the months of February or March to assess the current marketing situation and prospects for the upcoming season. The Committee's assessment of marketing conditions at that time will be used in making the final decision. In accordance with § 929.69(d) of the order, a continuance referendum is required to be held in May 2003.

This rule will not impose any additional recordkeeping requirements on either small or large cranberry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules which duplicate, overlap or conflict with this rule.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements imposed by Part 929 have been previously approved by OMB and assigned OMB Number 0581-0103.

Committee meetings are widely publicized throughout the cranberry industry and are open to all industry members and entities (including both small and large business entities) and other interested persons—who are encouraged to participate in the deliberations and voice their opinions on topics under discussion. Like all Committee meetings, the March 1999 meeting was a public meeting and all entities, both large and small, were able to express their views on these issues. The Committee itself is composed of eight members, of which seven members are growers and one represents the public.

After consideration of all available information, and pursuant to section 929.69(b), it is found that the second sentence in section 929.69(d), does not tend to effectuate the declared policy of the Act for the period specified herein and should be temporarily suspended.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 60 days after publication in the **Federal Register** because: (1) The suspension needs to be

effective as soon as possible since the month of May is specified in the order as the period in which to conduct a continuance referendum; and (2) this rule provides a 15-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 929 is amended as follows:

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

1. The authority citation for 7 CFR Part 929 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. In § 929.69, paragraph (d), the words, "The Secretary shall conduct such a referendum during the month of May of every fourth year thereafter." are suspended effective May 6, 1999, through May 31, 1999.

Dated: April 29, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99-11230 Filed 5-4-99; 8:45 pm]

BILLING CODE 3410-02-P

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 960

[No. 99-26]

RIN 3069-AA-82

Amendment of Affordable Housing Program Regulation

AGENCY: Federal Housing Finance Board.

ACTION: Interim final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is amending its regulation governing the operation of the Affordable Housing Program (AHP or Program) to make certain technical revisions clarifying Program requirements and improving the operation of the AHP.

DATES: The interim final rule shall be effective on June 4, 1999. The Finance Board will accept written comments on this interim final rule on or before July 6, 1999.

ADDRESSES: Mail comments to Elaine L. Baker, Secretary to the Board, Federal Housing Finance Board, 1777 F Street, NW, Washington DC 20006. Comments will be available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: Richard Tucker, Deputy Director, (202) 408-2848, or Janet M. Fronckowiak, Associate Director, (202) 408-2575, Program Assistance Division, Office of Policy, Research and Analysis; or Sharon B. Like, Senior Attorney-Advisor, (202) 408-2930, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Section 10(j)(1) of the Federal Home Loan Bank Act (Bank Act) requires each Federal Home Loan Bank (Bank) to establish a Program to subsidize the interest rate on advances to members of the Federal Home Loan Bank System engaged in lending for long-term, low- and moderate-income, owner-occupied and affordable rental housing at subsidized interest rates. See 12 U.S.C. 1430(j)(1). The Finance Board is required to promulgate regulations governing the operation of the Program. See *id.*

On August 4, 1997, the Finance Board published a final AHP regulation adopting comprehensive revisions to the Program, see 12 CFR part 960, which, among other changes, authorized the 12 Banks, rather than the Finance Board, to approve applications for AHP subsidies beginning January 1, 1998. See 62 FR 41812 (Aug. 4, 1997). On May 20, 1998, the Finance Board published an interim final rule amending the regulation to make certain technical revisions clarifying Program requirements and improving the operation of the AHP. See 63 FR 27668 (May 20, 1998). The interim final rule was adopted as a final rule, with several changes, and will become effective June 1, 1999.

In the course of implementing the changes to the Program under the recent revisions to the AHP regulation, the Banks and Finance Board staff have identified a number of additional technical issues whose resolution would clarify Program requirements and improve the effectiveness of the Program. This interim final rule addresses those issues. Although the interim final rule will become effective 30 days after the date of publication in the **Federal Register**, the Finance Board requests comment on all aspects of the interim final rule during a 60-day comment period.

II. Analysis of the Interim Final Rule

A. Timing of Submission of Amendments to Bank AHP Implementation Plans to the Finance Board—§ 960.3(b)(4)

Section 960.3(b)(1) of the AHP regulation requires each Bank's board of directors to adopt a written AHP implementation plan setting forth the requirements specified in the regulation. See 12 CFR 960.3(b)(1). Each Bank is required to provide its Advisory Council an opportunity to review and make recommendations on the Bank's AHP implementation plan and any subsequent amendments to the plan prior to adoption of the plan or amendments. See *id.* § 960.3(b)(3). Section 960.3(b)(4) of the AHP regulation provides that:

A Bank shall submit its initial AHP implementation plan, and any amendments, to the Finance Board and the Bank's Advisory Council at least 60 days prior to distributing requests for applications for AHP subsidies for the funding period in which the plan, or amendments, will be effective.

See *id.* § 960.3(b)(4). The Banks adopted their initial plans under the revised AHP regulation for the first AHP funding period in 1998, and have been submitting amendments to such plans to the Finance Board for subsequent AHP funding periods.

The 60-day requirement in the regulation was intended to give the Advisory Councils and the Finance Board sufficient time to review the implementation plans and amendments prior to distribution by the Banks of AHP application materials to the public. However, the Banks have indicated that the 60-day requirement is unworkable as a practical matter because, among other reasons, the Banks' Advisory Councils generally meet only quarterly. By the time the Advisory Councils have met and made their recommendations to the Banks' boards, and the Banks' boards have adopted the amendments, the Banks are approaching their target dates for sending out AHP application materials to the public. Requiring the Banks then to send their final plan amendments to the Finance Board and the Advisory Councils 60 days prior to the distribution of the AHP application materials to the public would delay distribution of the AHP application materials, which in turn would deprive potential applicants of adequate notice of the AHP application requirements before the applications would be due at the Bank. To avoid this result, the Finance Board in 1998 issued a number of waivers of the 60-day requirement so that the Banks could meet their target AHP application distribution dates.

While the 60-day period was useful for the initial plan review under the newly revised AHP regulation, Finance Board staff's experience has been that subsequent amendments to the plans have not required a 60-day review period. In any case, the administrative convenience afforded by a 60-day review period is outweighed by the needs of the users of the Program for timely distribution of AHP application materials. Therefore, the Finance Board has decided to amend the AHP regulation to correct this timing problem. Accordingly, the interim final rule amends § 960.3(b)(4) to require that the Banks submit any amendments of their AHP implementation plans to the Finance Board within 30 days after the date the Bank's board of directors approves the amendments. The interim final rule also deletes the requirement that the Banks' final plan amendments be sent to the Advisory Councils 60 days prior to the Banks' distribution of the AHP application materials, since the Advisory Councils already will have had an opportunity to review the proposed plan amendments pursuant to § 960.3(b)(3).

B. Timing of Appraisals for Member Real Estate Owned (REO) Properties and Properties Upon Which a Member Holds a Mortgage or Lien—§ 960.5(b)(2)(ii)(B)

Section 960.5(b)(2)(ii)(B) of the AHP regulation provides that:

The purchase price of property or services, as reflected in the project's development budget, sold to the project by a member providing AHP subsidy to the project, or, in the case of property, upon which such member holds a mortgage or lien, may not exceed the market value of such property or services as of the date the purchase price for the property or services was agreed upon. In the case of real estate owned property sold to a project by a member providing AHP subsidy to a project, or property sold to the project upon which the member holds a mortgage or lien, the market value of such property is deemed to be the "as-is" or "as-rehabilitated" value of the property, whichever is appropriate, as reflected in an independent appraisal of the property performed within six months prior to the date the purchase price for the property was agreed upon.

See *id.* § 960.5(b)(2)(ii)(B) (emphasis added).

Section 960.5(b)(2)(ii)(B) is intended to ensure that the AHP subsidy is passed on to the ultimate borrower (subsidy pass-through requirement), as required by the Bank Act, and thus that the project has a need for the AHP subsidy, by requiring that the purchase price of the property not exceed its current market value (*i.e.*, that the subsidy is not recouped by the member

to discharge its mortgage or lien through an excessive purchase price paid for the property by the project). See 12 U.S.C. 1430(j)(9)(E); 12 CFR 960.5(b)(2)(ii)(B). The AHP regulation requires this determination to be made based on an appraisal of the market value of the property performed within six months prior to the date the purchase price of the property was agreed upon (*i.e.*, the sales contract). See 12 CFR 960.5(b)(2)(ii)(B). If the purchase price of the property exceeds the current market value, then the project sponsor is paying more than necessary for the property, the member is receiving more than necessary, and the project does not need the AHP subsidy.

In 1998, several Banks received applications for AHP funding involving member REO property or property upon which the member held a mortgage or lien, for which no independent appraisals of the property had been performed within six months prior to the date the purchase price for the property was agreed upon, as required by § 960.5(b)(2)(ii)(B). In some instances, the sponsors had agreed to a purchase price for the property or had purchased the property two to three years before the AHP application due date, with no anticipation that they later would be applying for AHP funds in connection with the property. Due to the fees of \$5,000 or more typically charged for independent appraisals and the limited predevelopment funds available to pay for such appraisals, many non-profit sponsors with limited financial resources conduct in-house analyses or rely upon tax assessment values to determine the market value of properties. Sponsors are especially reluctant to obtain an independent appraisal when they may never exercise the option to purchase the property. In short, given the way many sponsors acquire property, the requirements of § 960.5(b)(2)(ii)(B) for obtaining an independent appraisal of the property within six months prior to the date the purchase price for the property was agreed upon are not practical or cost effective in the affordable housing industry.

A reasonable alternative is to require that the sponsor obtain an independent appraisal of the property within six months prior to the date the Bank disburses AHP subsidies to the project. This would avoid the timing problem discussed above but still require a current appraisal to ensure that the purchase price of the property does not exceed its current market value.

Accordingly, the interim final rule amends § 960.5(b)(2)(ii)(B) to require that the independent appraisal of the

property obtained by the sponsor be performed within six months prior to the date the Bank disburses AHP subsidy to the project. The interim final rule also amends this section to require that the independent appraisal be completed by a State certified or licensed appraiser, as defined in 12 CFR 564.2(j) and (k), in order to ensure a more accurate evaluation of the property value.

C. Inclusion of the Creation of Permanent Owner-Occupied Housing Under the Housing for Homeless Households Scoring Criterion—
§ 960.6(b)(4)(iv)(D)

Under § 960.6(b)(4)(iv)(D) of the AHP regulation, an application may receive scoring points if it involves the creation of rental housing, excluding overnight shelters, reserving at least 20 percent of the units for homeless households, or the creation of transitional housing for homeless households permitting a minimum of six months occupancy. See *id.* § 960.6(b)(4)(iv)(D). The regulation inadvertently omitted the creation of permanent owner-occupied housing, which was included in the proposed rule amending the AHP regulation. See 61 FR 57799, 57824 (Nov. 8, 1996). There have been a number of innovative and successful initiatives to move households directly from homeless shelters into permanent homeownership through self-help and other social services programs. Citing such programs, a Bank commenting on the May 20, 1998 interim final rule urged the Finance Board to endorse the inclusion of the creation of permanent owner-occupied housing under the housing for homeless households scoring criterion.

Accordingly, the interim final rule amends § 960.6(b)(4)(iv)(D) to include the creation of permanent owner-occupied housing reserving at least 20 percent of the units for homeless households under the housing for homeless households scoring criterion.

D. Specific Inclusion of the Creation of "Visitable" Housing Under the Special Needs Scoring Criterion—
§ 960.6(b)(4)(iv)(F)(1)

Under § 960.6(b)(4)(iv)(F)(1) of the AHP regulation, a Bank may choose as one of its scoring criteria under the First District Priority scoring category the following:

Special Needs. The creation of housing in which at least 20 percent of the units are reserved for occupancy by households with special needs, such as the elderly, mentally or physically disabled persons, persons recovering from physical abuse or alcohol or drug abuse, or persons with AIDS.

See 12 CFR 960.6(b)(4)(iv)(F)(1) (emphasis added). The use of the words "such as" indicates that the specific list of special needs housing in the regulation is not exclusive, allowing a Bank the option to select other types of special needs housing not specifically mentioned but of the general types included in the list.

The creation of housing that is "visitable" by persons with physical disabilities who are not occupants of such housing may be considered a type of special needs housing that a Bank has the option of adopting under the special needs scoring criterion. Although amendment of the AHP regulation to allow a Bank to adopt such a "visitable" housing criterion is not necessary, the interim final rule amends § 960.6(b)(4)(iv)(F)(1) to specifically include "visitable" housing because the Finance Board believes it is important to increase awareness of this significant special needs housing as an option for the Banks to consider in adopting their scoring criteria under the First District Priority scoring category.

The interim final rule amends § 960.1 to include a definition of "visitable," based on the definition of "visitable" adopted by the Department of Housing and Urban Development, which is as follows:

In either owner-occupied or rental housing, at least one entrance is at-grade (no steps) and approached by an accessible route such as a sidewalk, and the entrance door and all interior passage doors are at least 2 feet, 10 inches wide, offering 32 inches of clear passage space.

III. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this interim final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

IV. Paperwork Reduction Act

This interim final rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. See 44 U.S.C. 3501 *et seq.* Therefore, the Finance Board has not submitted any information to the Office of Management and Budget for review.

V. Notice and Public Participation

The Finance Board for good cause finds that the notice and public comment procedure required by the Administrative Procedure Act is impracticable, unnecessary or contrary to the public interest in this instance, because the changes made by this interim final rule are technical in nature and apply only to the Banks. See 5 U.S.C. 553(b)(3)(B).

List of Subjects in 12 CFR Part 960

Credit, Federal home loan banks, Housing, Reporting and recordkeeping requirements.

Accordingly, the Finance Board hereby amends title 12, chapter IX, part 960, Code of Federal Regulations, as follows.

PART 960—AFFORDABLE HOUSING PROGRAM

1. The authority citation for part 960 continues to read as follows:

Authority: 12 U.S.C. 1430(j).

2. Section 960.1 is amended by adding in alphabetical order the following definition to read as follows:

§ 960.1 Definitions.

* * * * *

Visitable means, in either owner-occupied or rental housing, at least one entrance is at-grade (no steps) and approached by an accessible route such as a sidewalk, and the entrance door and all interior passage doors are at least 2 feet, 10 inches wide, offering 32 inches of clear passage space.

3. Section 960.3 is amended by revising paragraph (b)(4) to read as follows:

§ 960.3 Operation of Program and adoption of AHP implementation plan.

* * * * *

(b) * * *
(4) *Submission of plan amendments to the Finance Board.* A Bank shall submit any amendments of its AHP implementation plan to the Finance Board within 30 days after the date the Bank's board of directors approves such amendments.

* * * * *

4. Section 960.5 is amended by revising the second sentence of paragraph (b)(2)(ii)(B) to read as follows:

§ 960.5 Minimum eligibility standards for AHP projects.

* * * * *

(b) * * *
(2) * * *
(ii) * * *
(B) * * * In the case of real estate owned property sold to a project by a member providing AHP subsidy to a project, or property sold to the project upon which the member holds a mortgage or lien, the market value of such property is deemed to be the "as-is" or "as-rehabilitated" value of the property, whichever is appropriate, as reflected in an independent appraisal of the property performed by a State certified or licensed appraiser, as defined in 12 CFR 564.2(j) and (k), within six months prior to the date the

Bank disburses AHP subsidy to the project.

* * * * *

5. Section 960.6 is amended by revising paragraphs (b)(4)(iv)(D) and (b)(4)(iv)(F)(I) to read as follows:

§ 960.6 Procedure for approval of applications for funding.

* * * * *

- (b) * * *
- (4) * * *
- (iv) * * *

(D) Housing for homeless households.

The creation of rental housing, excluding overnight shelters, reserving at least 20 percent of the units for homeless households, the creation of transitional housing for homeless households permitting a minimum of six months occupancy, or the creation of permanent owner-occupied housing reserving at least 20 percent of the units for homeless households.

* * * * *

(F) * * *

(I) Special needs. The creation of housing in which at least 20 percent of the units are reserved for occupancy by households with special needs, such as the elderly, mentally or physically disabled persons, persons recovering from physical abuse or alcohol or drug abuse, or persons with AIDS; or the creation of housing that is "visitable" by persons with physical disabilities who are not occupants of such housing;

* * * * *

Dated: April 14, 1999.

By the Board of Directors of the Federal Housing Finance Board.

Bruce A. Morrison,

Chairman.

[FR Doc. 99-11250 Filed 5-4-99; 8:45 am]

BILLING CODE 6725-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-81-AD; Amendment 39-11156; AD 99-10-02]

RIN 2120-AA64

Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Avions Pierre Robin Model R2160 airplanes. This AD requires inspecting to assure that the

fuel filler cap has a 2.5 millimeter (mm) diameter hole drilled through it or that a vinyl piping is connected to the filler neck inside the cabin. If neither of these items exists, this AD requires replacing the fuel filler cap with a fuel filler cap that has a 2.5 mm diameter hole drilled through it. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to detect and correct the installation of improperly designed fuel venting system parts, which could result in an inadequate fuel supply to the engine with loss of engine power.

DATES: Effective June 18, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 18, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from Avions Pierre Robin, 1, route de Troyes, 21121 Darois-France; telephone: 33-3 80 44 20 50; facsimile: 33-3 80 35 60 80. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-81-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Karl M. Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Avions Pierre Robin Model R2160 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 2, 1999 (64 FR 10114). The NPRM proposed to require inspecting to assure that the fuel filler cap has a 2.5 millimeter (mm) diameter hole drilled through it or that a vinyl piping is connected to the filler neck inside the cabin. If neither of these items exists, the NPRM proposed to require replacing the fuel filler cap with a fuel filler cap that has the hole drilled through it, part number (P/N) 52.23.07.010 (or FAA-approved equivalent P/N).

Accomplishment of the proposed inspection as specified in the NPRM would be required in accordance with Avions Pierre Robin Service Bulletin No. 135, dated May 17, 1994.

Accomplishment of the proposed replacement (if necessary) as specified in the NPRM would be required in accordance with the applicable maintenance manual.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 10 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish both the inspection and replacement (if necessary), and that the average labor rate is approximately \$60 per work hour. Parts (if necessary) cost approximately \$60 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$1,200, or \$120 per airplane.

Regulatory Impact

The regulations adopted herein will 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 final rule does 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)