

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****24 CFR Part 585**

[Docket No. FR-4226-F-01]

RIN No. 2506-AB93

**Opportunities for Youth: Youthbuild Program Further Streamlining;**

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes a streamlining amendment to 24 CFR part 585 by removing subpart B regarding the application and grant award process. This information is set forth in the Notices of Funding Availability issued by HUD when funding is made available for the Youthbuild Program, and need not be codified.

**EFFECTIVE DATE:** June 11, 1997.

**FOR FURTHER INFORMATION CONTACT:** The Office of Economic Development, Department of Housing and Urban Development, Room 7136, 451 Seventh Street, SW, Washington, DC 20410. Telephone (202) 708-2035; TTY (202) 708-1455. (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:****Background**

Section 164 of the Housing and Community Development Act of 1992 (Pub. L. 102-550) amended title IV of the National Affordable Housing Act (42 U.S.C. 1437aaa) to add a new subtitle D which established the Youthbuild program (the "Youthbuild statute"). On February 21, 1995, the Department published a final rule at 60 FR 9734, which is codified at 24 CFR part 585. Part 585 was streamlined by a final rule published on October 4, 1996, at 61 FR 52186.

**This Rule**

President Clinton's memorandum of March 4, 1995, titled "Regulatory Reinvention Initiative" directed heads of Federal departments and agencies to review all existing regulations to eliminate those that are outdated and modify others to increase flexibility and reduce burden. As a part of HUD's overall effort to reduce regulatory burden and streamline the content of title 24 of the Code of Federal Regulations, this rule removes those provisions which are unnecessary to be codified and can be made available through other non-rulemaking means.

It is unnecessary to maintain the provisions of subpart B of the

Youthbuild regulations in the Code of Federal Regulations (CFR). Subpart B pertains to the application and grant award process. Certain provisions in subpart B (specifically, §§ 585.100 through 585.107) simply repeat the requirements of the Department of Housing and Urban Development Reform Act (Pub. L. 101-235, approved December 15, 1989) (HUD Reform Act) (see 42 U.S.C. 3545), now codified in 24 CFR part 4. (The HUD Reform Act regulations previously were codified in 24 CFR parts 4 and 12, but were consolidated in part 4 by final rule published on April 1, 1996, 61 FR 1449). The requirements of the HUD Reform Act and of its regulations apply to Youthbuild funding competitively awarded, notwithstanding any reference to these requirements in the Youthbuild Program regulations.

Other provisions in subpart B repeated the statutory requirements governing the application and grant award process set out in the Youthbuild statute. As with the HUD Reform Act requirements, these statutory requirements are applicable whether or not set out in the regulation.

Since the statutory and regulatory requirements governing the application and grant award process are announced in the Notices of Funding Availability, it is not necessary that they be set out in the regulations. Furthermore, removal of these procedures from the CFR increases the flexibility of the procedures as warranted by circumstances surrounding the individual funding cycles. Accordingly, this final rule removes and reserves subpart B.

**Justification for Final Rule on Streamlining Provisions**

HUD generally publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking in 24 CFR part 10. However, part 10 provides for exceptions to the general rule if the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment on the streamlining provision. The streamlining provision merely removes unnecessary regulatory provisions and does not establish or affect substantive policy. Therefore, prior public comment is unnecessary.

**Findings and Certifications***Environmental Impact*

In accordance with 24 CFR 50.19(c)(1), published in the **Federal Register** on September 27, 1996 (61 FR 40914), this final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing (other than tenant-based rental assistance), rehabilitation, alteration, demolition, or new construction. This rule merely streamlines the Youthbuild Program regulations by removing unnecessary provisions. Therefore, this final rule is categorically excluded from the requirements of the National Environmental Policy Act of 1969 and the related Federal authorities in 24 CFR 50.4.

*Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities because the rule merely makes nonsubstantive streamlining amendments to part 585.

*Executive Order 12612, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this rule does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government.

*Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4, established requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule does not impose any Federal mandates on any State, local, or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995.

*Catalog of Federal Domestic Assistance*

The Catalog of Federal Domestic Assistance Program number assigned to this program is 14.243.

**List of Subjects in 24 CFR Part 585**

Grant programs—housing and community development, Homeless, Low and very low-income families,

Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, part 585 of title 24 of the Code of Federal Regulations is amended as follows:

**PART 585—YOUTHBUILD PROGRAM**

1. The authority citation for part 585 continues to read as follows:

**Authority:** 42 U.S.C. 3535(d) and 12899.

**Subpart B—[Removed and Reserved]**

2. Subpart B, consisting of §§ 585.100 through 585.107, is removed and reserved.

Dated: May 19, 1997.

**Jacquie M. Lawing,**

*Acting Assistant Secretary for Community Planning and Development.*

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