

## SUPPLEMENTARY INFORMATION:

## History

**Federal Register** Document 94-31309, Airspace Docket No. 94-ASO-24, published on December 21, 1994 (59 FR 65705), corrected the geographic position coordinates of the Sabre Army Heliport and the designations of the Class D and Class E airspace areas at Fort Campbell, KY. An error was discovered in the geographic position coordinates of the Sabre Army Heliport. This action corrects that error.

## Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the geographic position coordinates for the Class D and Class E airspace areas at Fort Campbell, KY, as published in the **Federal Register** on December 21, 1994 (59 FR 65705), (**Federal Register** Document 94-31309; page 65706, column 3), are corrected as follows:

## § 71.71 [Corrected]

\* \* \* \* \*

## ASO KY D Fort Campbell, KY [Corrected]

By removing "(Lat. 36°34'24" N, long. 87°28'50" W)" and substituting "(Lat. 36°34'14" N, long. 87°28'50" W)".

\* \* \* \* \*

## ASO KY E5 Fort Campbell, KY [Corrected]

By removing "(Lat. 36°34'24" N, long. 87°28'50" W)" and substituting "(Lat. 36°34'14" N, long. 87°28'50" W)".

\* \* \* \* \*

Issued in College Park, Georgia, on February 10, 1995.

**Walter E. Denley,**

*Acting Manager, Air Traffic Division,  
Southern Region.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Assistant Secretary for Public and Indian Housing

## 24 CFR Parts 813, 905, 908, and 913

[Docket No. R-95-1747; FR-3730-F-03]

RIN 2577-AB47

## Electronic Transmission of Required Family Data for Public Housing, Indian Housing, and the Section 8 Rental Certificate, Rental Voucher, and Moderate Rehabilitation Programs

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

**ACTION:** Final rule.

**SUMMARY:** This rule requires all housing agencies (HAs) to submit certain data electronically to HUD in a HUD prescribed format. For HAs that are not already automated or who determine that automation is not cost-effective, transmission of the data through the use of a service bureau is permitted. Electronic transmission is necessary because the manual submission of HUD forms has become a burden to HAs and HUD.

This rule applies to projects administered under the public housing, Indian housing, and Section 8 Rental Certificate, Rental Voucher, and Moderate Rehabilitation programs. A similar rule was issued with respect to multifamily subsidized projects administered under programs subject to the oversight of the Assistant Secretary for Housing-Federal Housing Commissioner (58 FR 61017), which was codified at 24 CFR part 208.

**EFFECTIVE DATE:** April 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** For Technical Information—Katherine M. Dillon, Director, Information Services Division, Office of Public and Indian Housing, Room 4248, telephone (202) 708-5285. For Public Housing program information—Edward C. Whipple, Director, Occupancy Division, Office of Public and Indian Housing, Room 4206, telephone (202) 708-0744. For Native American program information—Ed Fagan, Office of Native American Programs, Room B-133, telephone (202) 755-0088. These people may be reached at the Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708-4594. (These telephone numbers are not toll-free.)

## SUPPLEMENTARY INFORMATION:

## I. Paperwork Burden

The information collection requirements contained in this rule have been reviewed by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520) and assigned approval number 2577-0083, which expires on August 31, 1997.

## II. Background

On Thursday, October 6, 1994, the Department published a proposed rule that would require all housing agencies (HAs) to submit certain data electronically to HUD in a HUD prescribed format.

Housing agencies have been submitting data forms to HUD for each family assisted under the public

housing, Indian housing, and Section 8 Rental Certificate, Rental Voucher and Moderate Rehabilitation Programs. Approximately 85 percent of reporting agencies (3,655 HAs) have been submitting paper forms. This extensive processing of paper forms has become a burden to the HAs as well as to HUD.

To reduce the cost to the Department of processing this information and to improve its accuracy, HUD issued the proposed rule to require that this information be submitted electronically. The change is expected to contribute significant savings to the Department, in a time when budget constraints demand such savings. The time spent by HAs in initiating electronic collection and transmission and making corrections to the electronic data submissions will be offset by future savings in the reexamination and reporting process, as well as increased accuracy and speed associated with the admission, reexamination and reporting processes, and the reduced number of HUD adjustments and paperwork required by these adjustments.

The proposed rule requires HAs to submit data electronically via telephone modem, rather than through tape, diskette, or paper. However, the rule also provides that the Department may approve transmission of the data by tape or diskette where the Department determines that the cost of telephonic transmission would be excessive. For HAs that are not already automated or who determine that automation is not cost effective, the rule would permit transmission of the data through the use of a service bureau.

In recognition of the difficulty some HAs may have in conversion to electronic submission of data, the proposed rule permits HUD Field Offices to grant extensions of time beyond the stated implementation date for commencement of electronic submission under certain circumstances.

This final rule adopts the proposed rule, as published, in its entirety, with the addition of a reference to Indian housing programs in § 908.108(a).

## III. Response to Public Comments

The Department received 16 comments on the proposed rule. The commentors consisted of HAs and two professional housing associations. Most respondents expressed general support for HUD's implementation of the rule. The following are major concerns expressed by the commentors:

The most frequent category of concern was raised by small HAs (100 units or less in management), requesting that they be excluded from the requirement

to submit family data electronically. They stated that their size and limited staff and financial resources made compliance burdensome, and they suggested two solutions. The first was to discontinue the submission of data completely; the second was to continue submission of paper reports as is currently the practice.

While the Department is aware of the unique constraints faced by small HAs in reporting family data, they should be aware that they constitute a sizeable portion of the HA universe and have valuable resident family information that should be shared. HUD's position in this matter is that small HAs unable to automate their reporting systems should seek out, and contract with, organizations that provide data processing services (Service Bureaus). Service costs should be manageable, since small HAs are only required to report on a quarterly basis. A service bureau need not be physically located in the city where the housing agency is located, since paper records may be mailed to a service bureau, which may then transmit the records electronically to HUD.

Several HAs suggested that if HUD provides the software for automating family data reporting, the requirement would be reasonable. Along these lines, other HAs and a housing organization indicated a willingness to send data electronically only if HUD provides equipment and software or pays for contracting with service bureaus.

The Department is aware that there are vendors available that can assist HAs in automating the collection and reporting of family data. These vendors also can help HAs to achieve this automation in the context of HA automation of other functions. The Department strongly encourages HAs to investigate these options. HUD also is considering development of a software package that is directed primarily for the smaller HAs. This package would automate only the collection and reporting of family data, not the other HA functions. This software package would be provided free of charge. The Department will notify HAs by letter if this software package becomes available.

The cost of automation hardware is an eligible operating expense and can be included in the operating budget. Automating this management function also is an allowable expense under the Comprehensive Improvement Assistance Program and the Comprehensive Grant Program.

Another organization suggested that the Section 8 Program Administrative Fee be increased to cover the cost of

automation. In the Section 8 Program, automation may be paid from ongoing Administrative Fees or the Operating Reserve. The Department, however, has no plans to increase Administrative Fees for the sole purpose of automation.

Several HAs recommended that HUD provide training and technical assistance in the formatting and transmission of family data to the Department's central processing facility. Plans are underway to develop a video tape and expanded training materials specifically for this purpose.

One organization recommended that this automation effort be more closely coordinated with the HUD automated database program TRACS—the data collection system used for programs administered by the Assistant Secretary for Housing—Federal Housing Commissioner. Unfortunately, the electronic data formats for the Forms HUD-50058 and HUD-50058-FSS, which are used for the programs that are covered by this rule, and for the Form HUD-50059, which are the subject of TRACS, are unique and will not accommodate a one-for-one correspondence. While similar automation hardware may be used to process a variety of management information reports, software specifically designed for the above forms is required.

A number of HAs recommended that the time periods required for the implementation of the rule be extended in the following manner:

Automated agencies (converting to telephonic electronic transmission) from 120 days after publication of the final rule to 12 months.

Non-automated agencies (planning to automate) from 365 days after publication of the final rule to 24 months.

While HUD understands the obstacles and concerns facing agencies in this automation effort, the intent of the rule is to decrease the reporting burden for HAs while at the same time, reduce costs to the Department in a time when budget constraints demand such savings. HUD is of the opinion that the time frames originally set in the rule are realistic. Special situations may be directed to the HUD Field Office for consideration.

One HA located in a remote area of Alaska requested approval of transmission via tape or diskette, since telephonic service was un dependable. In these instances HAs may utilize a Service Bureau or, upon prior approval from HUD, transmit via tape or diskette.

#### IV. Other Matters

##### A. Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(o) of the HUD regulations, the policies and procedures contained in this rule relate only to HUD administrative procedures and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

##### B. Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive order 12612, *Federalism*, has determined that the policies contained in this rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the Federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Specifically, this rule is directed to housing agencies that operate HUD-assisted housing, whose functions and authority remain unchanged. It merely changes the format of data submitted to HUD to make its transmission more accurate and efficient. It will not impinge upon the relationship between the Federal Government and State and local governments. As a result, the rule is not subject to review under the order.

##### C. Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this rule does not have potential for 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 rule, as those policies and programs relate to family concerns.

##### D. Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. Because this rule changes the way in which the data is transmitted to HUD, and all costs associated with implementation of the electronic transmission will be considered allowable project operating costs, the rule is not expected to have a significant economic impact.

*E. Regulatory Agenda*

This rule was not listed in the Department's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632) under Executive Order 12866 and the Regulatory Flexibility Act.

*F. Catalog*

The Catalog of Federal Domestic Assistance numbers for the programs covered by this rule are 14.850, 14.855, 14.856, and 14.857.

**List of Subjects**

*24 CFR Part 813*

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements, Utilities.

*24 CFR Part 905*

Aged, Energy conservation, Grant programs—housing and community development, Grant programs—Indians, Indians, Homeownership, Individuals with disabilities, Lead poisoning, Loan programs—housing and community development, Loan programs—Indians, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

*24 CFR Part 908*

Computer technology—automatic data processing, data processing, electronic data processing, Subsidies—grant programs, Rent subsidies.

*24 CFR Part 913*

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

Accordingly, title 24, chapters VIII and IX, of the Code of Federal Regulations are amended by amending parts 813, 905, and 913, and by adding a new part 908, consisting of §§ 908.101 through 908.112, as follows:

**PART 813—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS AND RELATED PROGRAMS**

1. The authority citation for part 813 continues to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 1437n, and 3535(d).

2. In § 813.109, a new paragraph (c) is added, to read as follows:

**§ 813.109 Initial determination, verification, and reexamination of family income and composition.**

\* \* \* \* \*

(c) See 24 CFR part 908 for requirements for transmission of data to HUD.

\* \* \* \* \*

**PART 905—INDIAN HOUSING PROGRAMS**

3. The authority citation for part 905 continues to read as follows:

**Authority:** 25 U.S.C. 450e(b), 42 U.S.C. 1437a, 1437aa, 1437bb, 1437cc, 1437ee, and 3535(d).

4. In § 905.315, paragraphs (a) (2) and (3) are redesignated as paragraphs (b) and (c), and a new paragraph (d) is added, to read as follows:

**§ 905.315 Initial determination, verification, and reexamination of family income and composition.**

\* \* \* \* \*

(d) See 24 CFR part 908 for requirements for transmission of data to HUD.

5. A new part 908, consisting of §§ 908.101 through 908.112, is added to read as follows:

**PART 908—ELECTRONIC TRANSMISSION OF REQUIRED FAMILY DATA FOR PUBLIC HOUSING, INDIAN HOUSING, AND THE SECTION 8 RENTAL CERTIFICATE, RENTAL VOUCHER, AND MODERATE REHABILITATION PROGRAMS**

Sec.

- 908.101 Purpose.
- 908.104 Requirements.
- 908.108 Cost.
- 908.112 Extension of time.

**Authority:** 42 U.S.C. 1437f, 3535(d), 3543, 3544, and 3608a.

**§ 908.101 Purpose.**

The purpose of this part is to require Housing Agencies (HAs) that operate public housing, Indian housing, or Section 8 Rental Certificate, Rental Voucher and Moderate Rehabilitation programs to electronically submit certain data to HUD for those programs. This electronically submitted data is required for HUD Forms HUD-50058, Family Report, and HUD-50058-FSS, Family Self-Sufficiency Addendum.

**§ 908.104 Requirements.**

(a) *Automated HAs.* Housing agencies that currently use automated software packages to transmit Forms HUD-50058 and HUD-50058-FSS information by tape or diskette to the Department's data processing contractor must convert to telephonic electronic transmission of that data in a HUD specified format by June 30, 1995.

(b) *Nonautomated HAs.* Housing agencies that currently prepare and

transmit the HUD-50058 and HUD-50058-FSS information to HUD paper must:

(1) Complete a vendor search and obtain either:

(i) The necessary hardware and software required to develop and maintain an in-house automated data processing system (ADP) used to generate electronic submission of the data for these forms via telephonic network; or

(ii) A service contract for the operation of an automated system to generate electronic submission of the data for these forms via telephonic network;

(2) Complete their data loading; and

(3) Begin electronic transmission by March 2, 1996.

(c) *Electronic transmission of data.*

Electronic transmission of data consists of submission of all required data fields (correctly formatted) from the forms HUD-050058 and HUD-50058-FSS telephonically, in accordance with HUD instructions. Regardless of whether an HA obtains the ADP system itself or contracts with a service bureau to provide the system, the software must be periodically updated to incorporate changes or revisions in legislation, regulations, handbooks, notices, or HUD electronic transmission data format requirements.

(d) *Service contract.* HAs that determine that the purchase of hardware and/or software is not cost effective may contract out the electronic data transmission function to organizations that provide such services, including, but not limited to the following organizations: local management associations and management agents with centralized facilities. HAs that contract out the electronic transmission function must retain the ability to monitor the day-to-day operations of the project at the HA site and be able to demonstrate the ability to the relevant HUD Field Office.

(e) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the Department may approve transmission of the data by tape or diskette if it determines that the cost of telephonic transmission would be excessive.

[Approved by the Office of Management and Budget under control number 2577-0083]

**§ 908.108 Cost.**

(a) *General.* The costs of the electronic transmission of the correctly formatted data, including either the purchase and maintenance of computer hardware or software, or both, the cost of contracting for those services, or the cost of

centralizing the electronic transmission function, shall be considered Section 8 Administrative expenses, or eligible public and Indian housing operating expenses that can be included in the public and Indian housing operating budget. At the HA's option, the cost of the computer software may include service contracts to provide maintenance or training, or both.

(b) *Sources of funding.* For public and Indian housing, costs may be covered from operating subsidy for which the HA is already eligible, or the initial cost may be covered by funds received by the HA under HUD's Comprehensive Improvement Assistance Program (CIAP) or Comprehensive Grant Program (CGP). For Section 8 programs, the costs may be covered from ongoing administrative fees or the Section 8 operating reserve.

#### § 908.112 Extension of time.

The HUD Field Office may grant an HA an extension of time, of a reasonable period, for implementation of the requirements of § 908.104, if it determines that such electronic submission is infeasible because of one of the following:

- (a) Lack of staff resources;
- (b) Insufficient financial resources to purchase the required hardware, software or contractual services; or
- (c) Lack of adequate infrastructure, including, but not limited to, the inability to obtain telephone service to transmit the required data.

#### PART 913—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE PUBLIC HOUSING PROGRAM

6. The authority citation for part 913 continues to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437d, 1437n, and 3535(d).

7. In § 913.109, a new paragraph (c) is added, to read as follows:

#### § 913.109 Initial determination, verification, and reexamination of family income and composition.

\* \* \* \* \*

(c) See 24 CFR part 908 for requirements for transmission of data to HUD.

\* \* \* \* \*

Dated: February 21, 1995.

**Joseph Shuldiner,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 95-5047 Filed 3-1-95; 8:45 am]

BILLING CODE 4210-33-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD11-94-010]

RIN 2115-AE46

#### Special Local Regulations; Citizen Cup Defender Semi-Final and Final Series, Louis Vuitton Cup Challenger Semi-Final and Final Series, and America's Cup Match Races; San Diego Bay and Mission Bay, CA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations for that portion of the International America's Cup Class (IACC) Citizen Cup Defender Semi-Final and Final Series, Louis Vuitton Cup Challenger Semi-Final and Final series, and America's Cup Match Races that are being conducted in the waters of the Pacific Ocean adjacent to San Diego Bay and Mission Bay on the following dates: March 18, 1995 through April 2, 1995; April 9, 1995 through April 23, 1995; and May 6, 1995 through May 27, 1995, inclusive. These regulations are necessary to provide for the safety of life, property, and navigation on the navigable waters of the United States during the scheduled events.

**EFFECTIVE DATE:** This rule becomes effective at 10 a.m. PST on March 18, 1995 and terminates at 7 p.m. PDT on May 27, 1995 unless cancelled earlier by the District Commander.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Cam Lewis, America's Cup Patrol; telephone number (619) 557-2920.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The principal persons involved in drafting this document are Lieutenant Cam Lewis, Project Officer for the Patrol Commander, and Lieutenant Commander Craig Juckniess, Project Attorney, Eleventh Coast Guard District Legal Office.

##### Regulatory History

On December 16, 1994, the Coast Guard published a notice of proposed rulemaking for these regulations in the **Federal Register** (59 FR 64996). The comment period ended on January 30, 1995. The Coast Guard received no comments on the proposal. A public hearing was not requested and no hearing was held.

## Background and Purpose

The event prompting a need for these Special Local Regulations is the IACC Citizen Cup and Louis Vuitton Cup Semi-Finals and Finals, and the America's Cup Match Races which will be conducted in the San Diego area on several series of dates during the period mid-March through May 1995. In addition, races in the Citizen Cup Defender Selection Series and Louis Vuitton Cup Challenger Selection Series are being held on several series of dates during the period January through mid-March 1995; Special Local Regulations establishing measures promoting the safety of these races are the subject of separate rulemaking (59 FR 64850, December 16, 1994).

These regulations are intended to promote safe navigation on the waters of San Diego Bay, Mission Bay, and the IACC race venue during the IACC Citizen Cup, Louis Vuitton Cup, and America's Cup Match Races by controlling the traffic entering, exiting, and traveling within these waters. The anticipated concentration of spectator and participant vessels associated with these races poses a safety concern, which is addressed in these special local regulations.

Within the geographic area of applicability of these proposed special local regulations, speed limits and operating requirements have been established for orderly passage to and from the IACC shore facilities and race venue.

Speed limits and operating requirements are also established for other vessel traffic operating within the regulated areas during times when most IACC and spectator vessels are expected to transit the harbors. During these same times, vessels shall not operate exclusively under sail within the regulated areas.

On each specified race date, these regulations will be in effect in San Diego Bay and Mission Bay during two periods: between the hours of 10 a.m. and 12 noon, and again in the afternoon for a two-hour period which will fall between 2:30 p.m. and 7 p.m. Selection of the afternoon regulatory period will depend on the time of termination of race activities for that date. Notice of commencement and termination of the afternoon regulatory period will be made by Broadcast Notice to Mariners; a 15-minute advance notice of commencement of the afternoon regulatory period will also be broadcast.

The nature of the winner selection process and other circumstances may dictate that races will not actually be conducted on dates specified as race