

The introductory text of each table is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 4044—Interest Rates Used to Value Annuities and Lump Sums

TABLE I.—ANNUITY VALUATIONS

[This table sets forth, for each indicated calendar month, the interest rates (denoted by i_1, i_2, \dots , and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*	*	*	*	*	*
February 19980550	1–25	.0525	>25	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
* * *	*	*	*	*	*	*	*	*
52	02–1–98	03–1–98	4.25	4.00	4.00	4.00	7	8

Issued in Washington, D.C., on this 9th day of January 1998.

David M. Strauss,
Executive Director, Pension Benefit Guaranty Corporation.
 [FR Doc. 98–1063 Filed 1–14–98; 8:45 am]
 BILLING CODE 7708–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–97–003]

RIN 2115–AE47

Drawbridge Operation Regulations; New Jersey Intracoastal Waterway

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing several bridges that cross the New Jersey Intracoastal Waterway (NJICW). Those bridges are: the Route 35 Bridge across Manasquan River at NJICW mile 1.1, in Brielle, New Jersey; the S37 Bridge across Barnegat Bay at NJICW mile 14.1, in Seaside Heights, New Jersey; the US40–322 (Albany Avenue) Bridge across Inside Thorofare at NJICW mile

70.0, in Atlantic City, New Jersey; and the Route 52 (Ninth Street) Bridge across Beach Thorofare at NJICW mile 80.4, in Ocean City, New Jersey. Additionally, a new provision is added that restricts openings of the Route 30 Bridge across Beach Thorofare at NJICW mile 67.2. The changes are being made to ease vehicular traffic congestion caused by bridge openings in and around seaside resort areas and to reduce the need for these bridges to be continually staffed by a drawtender during off-peak periods when few openings occur.

DATES: This final rule is effective on February 17, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Commander (Aowb), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6222.

FOR FURTHER INFORMATION CONTACT:

Ann Deaton, Bridge Administrator, Fifth Coast Guard District, (757) 398–6222.

SUPPLEMENTARY INFORMATION:

Regulatory History

On July 16, 1997, the Coast Guard published in the **Federal Register** (62 FR 38043) a Notice of Proposed Rulemaking (NPRM) entitled Drawbridge Operations Regulations; New Jersey Intracoastal Waterway. The NPRM proposed changes in the operating schedules of a number of bridges. The changes are designed to ease vehicular traffic congestion caused by bridge openings in and around seaside resort areas and to reduce the need for these bridges to be continually staffed by a drawtender during off-peak periods when few openings occur. The Coast Guard received 10 letters commenting on various provisions of the NPRM. No public hearing was requested and none was held.

Background and Purpose

General

The NJICW extends approximately 118 statute miles from Manasquan Inlet to Cape May Harbor. The NJICW is primarily used by pleasure craft, commercial, and sport fishing vessels. General regulations governing the operation of bridges are listed in sections 117.1 through 117.49 of 33 CFR. Specific drawbridge regulations,

which supplement the general regulations for certain NJICW bridges, are listed in 33 CFR 117.733.

The New Jersey Department of Transportation (NJDOT) requested changes in the regulations of several bridges crossing the NJICW in an effort to balance the needs of mariners and vehicle drivers transiting into and around seaside resort areas. Bridge openings at peak traffic hours during the tourist season often cause considerable congestion while accommodating relatively few vessels. In support of its request, NJDOT contends that there has been an overall decrease in vessel traffic and an increase in vehicular traffic in recent years. NJDOT believes that the regulations will help solve the vehicular traffic problem caused by the frequency of bridge openings. The regulations restricting openings will also allow bridge owners to reduce bridge tender hours for certain bridges during off-peak periods when requests for openings infrequently occur. A special 24-hour telephone number will be posted on all bridges in accordance with 33 CFR 117.55 to arrange for openings during off-peak periods and emergencies.

The Coast Guard received 10 comments on the NPRM. No comments addressed the proposed changes for the Route 30 Bridge or the US40-322 Bridge. The changes in operating regulations for these bridges in this final rule are unchanged from the NPRM. The comments concerning the proposed changes to the remaining bridges are discussed below.

Route 35 Bridge

During the summer of 1991, the Coast Guard implemented a temporary final rule, which changed the existing regulations governing the Route 35 Bridge for 60 days from August 1 through September 29, 1991. The temporary final rule, published in the **Federal Register** at 56 FR 40418, extended the hour and half hour opening schedule on weekends and holidays to between 9 a.m. and 10 p.m., and provided for only twice an hour openings during the evening rush hours from 4 p.m. to 7 p.m. Monday through Thursday and from 12 p.m. to 7 p.m. on Fridays.

The NPRM proposed to permanently implement the temporary final rulemaking schedule, except that an additional hour was added to the times that the bridge opens on the hour and half hour. The schedule will begin at 8 a.m. instead of 9 a.m. The NPRM also proposed adding a four hour notice requirement for draw openings between 11 p.m. and 8 a.m. year-round.

The Coast Guard received four comments on the NPRM concerning the Route 35 Bridge. One comment requested that the dates of the schedule change be extended through October 31 rather than ending on September 30. The Coast Guard evaluated this proposal, but has decided not to change the dates in the final rule. Bridge opening log data from 1993 to 1995 revealed that the highest concentration of vessel and vehicular traffic occurred during the period from May 15 to September 30. For that reason, the NJDOT limited its request to change the schedule to September 30. The Coast Guard has no current justification for changing the dates beyond September 30; however, should vehicle traffic become a concern for the NJDOT beyond September 30, and the NJDOT can justify changing the dates, the Coast Guard would evaluate a future proposal to modify the regulation.

Another comment suggested changing the draw opening schedule on Saturdays, Sundays, and Federal holidays to coincide with the draw opening schedule on Mondays to Fridays in order to avoid confusion between weekday and weekend openings. The Coast Guard considered this comment and has changed the final rule to simplify the bridge opening schedule. The opening schedule for the weekend openings will be the same as for weekday openings, i.e., the draw will open 15 minutes before the hour and 15 minutes after the hour.

The 15 minute before and after the hour opening schedule on Mondays to Thursdays and on Fridays except Federal holidays from 12 p.m. to 7 p.m. was implemented to coincide with schedules of trains operated by the Brielle Railroad Bridge at mile 0.9 (Manasquan River), owned and operated by New Jersey Transit Rail Operations (NJTRO). The Route 35 Bridge is located approximately 200 feet upstream from the railroad bridge. Coordinating drawbridge openings of the Route 35 and the Brielle Railroad Bridges will minimize the number of times vessels would be required to hold or maneuver between the Route 35 and Brielle Railroad Bridges while waiting for one of the bridges to open.

During the summer boating season, the Brielle Railroad Bridge is normally maintained in the open position and closed approximately five minutes before the arrival of a passenger train. Trains typically cross the Brielle Railroad Bridge between 10 and 20 minutes past the hour. It is expected that a consistent opening schedule will not only enhance the safety of vessels,

but also cause less confusion for motorists planning for bridge openings.

Several comments opposed the requirement that a four hour notice be given for bridge openings from 11 p.m. to 8 a.m. year-round. The comments stated that the schedule is unfair to the boating public and would be impractical and potentially hazardous to boaters. The Coast Guard considered the comments, but has decided not to change the final rule. As stated in the proposed rule, NJDOT records reveal a decrease in bridge openings from 11 p.m. to 8 a.m. in the yearly opening logs for 1993, 1994 and 1995. The bridge opened for vessels 243, 177, and 111 times during these years, respectively. In light of these statistics, which indicate minimal use of the bridge, the Coast Guard believes that a four hour notice is reasonable. This regulation merely requires mariners to plan ahead to schedule the bridge opening at times acceptable to them.

One comment proposed adding additional language to the regulation to clarify that the draw should only open if vessels are waiting. The rationale for the comment is that the bridge should not open unnecessarily, i.e., at times when no vessels are waiting. The Coast Guard considered the comment but has decided not to change the final rule. The regulation currently states that the draw "need only open," on the hour and half hour. This language grants discretion to bridge tenders to open the draw at the prescribed times only when vessels are waiting to pass. The language does not require the bridge to open, as it would if the regulation stated that the draw "shall open" or "will open" at the prescribed times.

Another comment recommended that, instead of opening the draw in half hour periods, the draw should open on signal, but no more than twice in any hour. The comment suggested that in the final analysis, the draw would open the same number of times; i.e., twice in a one hour period. The Coast Guard has decided not to incorporate this suggestion into the final rule. As written, the final rule provides a consistent schedule, which allows vehicle traffic and mariners to plan their trips accordingly.

S37 Bridge

The NPRM proposed to change the regulation for the S37 Bridge to allow the bridge to open on signal except from Memorial Day to Labor Day, from 8 a.m. to 8 p.m., when the draw would only open on the hour and half hour. From 1 April to 30 November, from 11 p.m. to 8 a.m., four hours advance notice would be required.

The Coast Guard received several comments on the NPRM for the Route 37 Bridge. Many of the comments expressed opposition to the four hour notice requirement, stating that the absence of a full time bridge tender may cause a hazardous condition to vessels waiting, particularly during periods of flood tide. The Coast Guard considered the comments received, and after consulting with units that frequently patrol those waters, has decided not to change the final rule. Those units reported that, in their experience, routine conditions at the Route 37 Bridge pose no greater hazard than any other NJICW Bridge. At most, the schedule may create an inconvenience to mariners. The schedule will only require vessel operators to plan transits in order to minimize delays while waiting for the bridge opening. Vessels required to wait for openings can also make arrangements to wait in nearby marinas or anchor in designated bay anchorages. NJDOT records for 1993, 1994 and 1995 also showed a minimal demand for bridge openings during the period April 1 to November 30, from 11 p.m. to 8 a.m. During those periods, the bridge opened for vessels 151, 67, and 82 times, respectively. In light of these statistics, the Coast Guard believes that the four hour notice requirement to have a bridge tender on scene is reasonable.

Another comment suggested that traffic congestion could be further alleviated by requiring bridges to open only on the hour rather than on the hour and half hour. The Coast Guard considered this comment, but has not changed the final rule. The opening schedule is designed to balance the competing needs of vehicular and vessel traffic. The Coast Guard believes that two bridge openings per hour achieve the desired balance. However, the Coast Guard would consider future proposals to modify the bridge opening schedule if requested by NJDOT.

Route 30 Bridge

The NPRM proposed changes in the regulation for the Route 30 Bridge to require the bridge to open on signal except from 11 p.m. to 7 a.m. year-round, and from 3 p.m. to 11 p.m. from November 1 through March 31, when four hours advance notice would be required. The changes were proposed to relieve NJDOT of the burden of ensuring that bridge tenders are continuously present during periods when openings are infrequent.

The Coast Guard received no comments on these proposed changes and they appear in this final rule as proposed.

US40-322 Bridge

The NPRM proposed changes to the US40-322 Bridge schedule by amending section 117.733(f) and redesignating it as paragraph (g). Paragraph (g) now states that the draw need only open year-round from 11 p.m. to 7 a.m. and November 1 through March 31 from 3 p.m. to 11 p.m., if four hours advance notice is given. From June 1 through September 30, from 9 a.m. to 4 p.m., and from 6 p.m. to 9 p.m., the draw need only open on the hour and half hour. From June 1 through September 30, from 4 p.m. to 6 p.m., the draw need not be opened.

The Coast Guard received no comments on these proposed changes and they appear in this final rule as proposed.

Route 52 Bridge

The NPRM proposed changes in the regulations governing the Route 52 (Ninth Street) Bridge to require it to open on signal except that from Memorial Day to Labor Day from 8 a.m. to 8 p.m., the draw need only open on the hour and half-hour. The NJDOT contended that because vessel traffic through the bridge has decreased, limiting openings to the hour and half hour to include the weekdays would enhance vehicular traffic without significantly affecting vessel traffic.

The Coast Guard received two comments on the NPRM for the Route 52 Bridge. The comments suggested that expanding the weekend and holiday schedule throughout the week would be detrimental to the local boating industry. The comments expressed concern that the bridge schedule would require boaters to leave their docks in time to pass through the bridge and thus increase the chances of leaving behind late passengers for whom they might otherwise wait. The Coast Guard considered the comments, but has not changed the final rule. The final rule merely expands the schedule that already occurs on weekends and holidays from Memorial Day to Labor Day from 8 a.m. to 8 p.m., and does not prevent mariners from transiting through the bridge. The final rule merely requires mariners to schedule their trips accordingly, as they have already had to do on weekends and holidays, factoring in any buffers needed to accommodate late passengers.

General Requirements

The Coast Guard received no comments on the general proposals. Therefore, the general proposals are being implemented without change. After further review, however, the Coast

Guard has decided to make a textual change to clarify the requirements and to provide consistent language for all NJICW bridges. Specifically, the change clarifies the requirement governing those bridges where advance notice is required for draw openings. The changes removes, throughout the regulation, the phrases stating that the draw shall open on signal if advance notice is given. As amended, the phrase will state that the draw need only open if at least the requisite number of hours notice is given.

The NPRM proposed amending Section 117.733 by deleting surplus language in paragraph (a)(1) to be consistent with the general operating regulations under 33 CFR 117.5. That provision already requires drawbridges to open promptly and fully for the passage of vessels when a request to open is given. The final rule removes the applicable language from paragraph (a)(1).

The final rule amends section 117.733 (b), (c), (d), and (h) by deleting the phrase stating that public vessels, vessels in distress, or vessels in tow may pass without delay. This requirement is currently published in 33 CFR 117.31 and is no longer required to be published in each specific bridge regulation.

The Coast Guard has revised 33 CFR 117.733 to include specific regulations governing the Stone Harbor Boulevard Bridge across Great Channel, at mile 102.0 in paragraph (j), and paragraph (i), which governs the Route 52 Bridge.

The Coast Guard removed the former regulation in 33 CFR 117.733 paragraph (j), governing the Cape May County Bridge Commission Bridge, at mile 104.0 between Stone Harbor and Nummy Island by codifying this paragraph at 33 CFR 117.720. The Cape May County Bridge Commission Bridge spans Great Channel, at mile 0.7, a tributary to the NJICW. It had been incorrectly placed in 33 CFR 117.733 among NJICW bridges.

The Coast Guard received no comments for the Cape May County Bridge Commission Bridge. The Coast Guard believes, however, that the wording in the proposed paragraph is unnecessarily confusing, and therefore has added language to paragraphs (a) and (b) to more clearly state that the draw need only open if at least four hours advance notice is given.

Finally, the final rule revises 33 CFR 117.733 by redesignating former paragraph (g), governing the Dorset Avenue Bridge across Inside Thorofare, mile 71.2. as paragraph (h).

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The Coast Guard reached this conclusion based on the fact that the changes and actions instituted by this rule will not prevent mariners from transiting the bridges. The final rule merely requires mariners to plan to be in position to take advantage of scheduled bridge openings and to timely contact bridges tenders controlling bridges that require advance notification.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information requirement under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59

FR 38654, 29 July 1994), this final rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.733 is revised to read as follows:

§ 117.733 New Jersey Intracoastal Waterway.

(a) The following requirement applies to all bridges listed in this section: The owners of these bridges shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(b) The draw of the Route 35 Bridge, mile 1.1 across Manasquan River at Brielle, shall open on signal except as follows:

(1) From May 15 through September 30:

(i) On Saturdays, Sundays and Federal holidays, from 8 a.m. to 10 p.m., the draw need only open 15 minutes before the hour and 15 minutes after the hour.

(ii) On Mondays to Thursdays from 4 p.m. to 7 p.m., and on Fridays, except Federal holidays from 12 p.m. to 7 p.m., the draw need only open 15 minutes before the hour and 15 minutes after the hour.

(2) Year-round from 11 p.m. to 8 a.m., the draw need only open if at least four hours notice is given.

(c) The draw of the County Route 528 Bridge, mile 6.3 across Barnegat Bay at Mantoloking, shall open on signal; except that from Memorial Day through Labor Day on Saturdays, Sundays and Federal holidays from 9 a.m. to 6 p.m., the draw need only open on the hour, twenty minutes after the hour, and forty minutes after the hour.

(d) The draw of the S37 Bridge across Barnegat Bay, mile 14.1 at Seaside

Heights, shall open on signal except as follows:

(1) From December 1 through March 31 from 11 p.m. to 8 a.m., the draw need not be opened.

(2) From April 1 through November 30 from 11 p.m. to 8 a.m., the draw need only open if at least four hours notice is given.

(3) From Memorial Day through Labor Day from 8 a.m. to 8 p.m., the draw need only open on the hour and half hour.

(e) The draw of the AMTRAK New Jersey Transit Rail Operations (NJTRO) automated railroad swing bridge across Beach Thorofare, mile 68.9 at Atlantic City shall operate as follows:

(1) Open on signal from 11 p.m. to 6 a.m. From 6 a.m. to 11 p.m., the draw shall open on signal from 20 minutes to 30 minutes after each hour and remain open for all waiting vessels.

(2) Opening of the draw span may be delayed for ten minutes except as provided in § 117.31(b). However, if a train is moving toward the bridge and has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(3) When the bridge is not tended locally and/or is operated from a remote location, sufficient closed circuit TV cameras shall be operated and maintained at the bridge site to enable the remotely located bridge/train controller to have full view of both river traffic and the bridge.

(4) Radiotelephone Channel 13 (156.65 MHz) VHF-FM, shall be maintained and utilized to facilitate communication in both remote and local control locations. The bridge shall also be equipped with directional microphones and horns to receive and deliver signals to vessels within a mile that are not equipped with radiotelephones.

(5) Whenever the remote control system equipment is partially disabled or fails for any reason, the bridge shall be physically tended and operated by local control. Personnel shall be dispatched to arrive at the bridge as soon as possible, but not more than one hour after malfunction or disability of the remote system. Mechanical bypass and override capability of the remote operation system shall be provided and maintained.

(6) When the draw is opening and closing, or is closed, yellow flashing lights located on the ends of the center piers shall be displayed continuously

until the bridge is returned to the fully open position.

(f) The draw of the Route 30 Bridge across Beach Thorofare, mile 67.2 at Atlantic City, shall open on signal except that, year-round from 11 p.m. to 7 a.m. and, from November 1 through March 31 from 3 p.m. to 11 p.m., the draw need only open if an least four hours notice is given.

(g) The draw of the US40-322 (Albany Avenue) Bridge, mile 70.0 across Inside Thorofare, at Atlantic City, shall open on signal except that:

(1) Year-round, from 11 p.m. to 7 a.m.; and from November 1 through March 31 from 3 p.m. to 11 p.m., the draw need only open if at least four hours notice is given;

(2) From June 1 through September 30:

(i) From 9 a.m. to 4 p.m. and from 6 p.m. to 9 p.m. the draw need only open on the hour and half hour; and

(ii) From 4 p.m. to 6 p.m. the draw need not open.

(h) The draw of the Dorset Avenue Bridge across Inside Thorofare, mile 72.1 at Ventnor City, shall open on signal except that from June 1 through September 30, from 9:15 a.m. to 9:15 p.m., the draw need only open at 15 and 45 minutes after the hour.

(i) The draw of the Route 52 (Ninth Street) Bridge, mile 80.4 across Beach Thorofare, at Ocean City, shall open on signal except that from Memorial Day through Labor Day from 8 a.m. to 8 p.m., the draw need only open on the hour and half hour.

(j) The draw of the Stone Harbor Boulevard Bridge, mile 102.0 across Great Channel, at Stone Harbor, shall open on signal except that:

(1) From October 1 through March 31 from 10 p.m. to 6 a.m. the draw need only open if at least eight hours notice is given.

(2) From Memorial Day through Labor Day from 6 a.m. to 6 p.m. on Saturdays, Sundays and Federal holidays, the draw need open only on the hour, 20 minutes after the hour, and 20 minutes before the hour.

3. Section 117.720 is added to read as follows:

§ 117.720 Great Channel.

The draw of the Cape May County Bridge Commission bridge, mile 0.7, between Stone Harbor and Nummy Island, shall open on signal except that:

(a) From May 15 through October 15 from 10 p.m. to 6 a.m., the draw need only open if at least four hours advance notice is given.

(b) From October 16 through May 14, the draw need only open if at least 24 hours advance notice is given.

Dated: December 23, 1997.

Roger Rufe Jr.,

*Vice Admiral, U.S. Coast Guard Commander
Fifth Coast Guard District.*

[FR Doc. 98-1070 Filed 1-14-98; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 1301, 1304, 1305 and 1306

Head Start Program

AGENCY: Administration on Children, Youth and Families Administration for Children and Families, HHS.

ACTION: Technical and correcting amendments.

SUMMARY: This document contains technical and correcting amendments to the Head Start Program final rule published on November 5, 1996 (61 FR 57186). The final rule implements the statutory provisions for establishing Program Performance Standards for Early Head Start grantees and Head Start Grantee and delegate agencies providing services to eligible children from birth to five years and their families as well as pregnant women and for taking corrective actions when Early Head Start or Head Start agencies fail to meet such standards. These technical and correcting amendments add the Office of Management and Budget (OMB) Control Number to sections containing information collection requirements for which OMB approval has been obtained and make other necessary corrections.

DATES: Effective on January 15, 1998.

FOR FURTHER INFORMATION CONTACT: E. Dollie Wolverton, Head Start Bureau, 202-205-8418 (not a toll free call);

SUPPLEMENTARY INFORMATION:

I. Background

The final rule on Head Start Performance Standards was published on November 5, 1996 (61 FR 57186), in the **Federal Register**. The purpose of the final rule, the first wide ranging revision of the performance standards in over 20 years, is to implement the 1994 amendments to the Head Start Act which require an update to the Head Start Program Performance Standards.

II. Need for Technical and Correcting Amendments to 45 CFR Parts 1301, 1304, 1305, and 1306

This document adds the OMB Control number to the sections containing

information collection requirements for which OMB approval has been obtained; corrects errors and omissions in the text of the final regulations; makes changes in certain provisions to make them easier to read; adds and corrects cross references to other related sections of the Head Start regulations, and makes one change required by the Head Start Act.

The Office of Management and Budget (OMB) approved the information and collection requirements in 45 CFR sections 1301.31(b) on personnel policies; 1304.20 (a), (c), and (d) on child health and developmental services; 1304.22(c) on child health and safety; 1304.23(a) on child nutrition; 1304.40(a) on family partnerships; 1304.41(a) on community partnerships; 1304.50 (f), (g), and (h) on program governance; 1304.51 (a) and (i) on management systems and procedures; 1304.52(j) on human resources management; and 1304.60(b) and (c) on deficiencies and quality improvement plans. This Notice adds the newly assigned OMB Control number 0970-0148 for these sections as required by OMB. The expiration date for the approval is December 31, 1999. In the case of 45 CFR 1305.3 (b) and (d), a technical edit is made in the parenthetical statement at the end of the section on the OMB Control Number. Changes have been made to citations in several places in Appendix A.

Changes are made in the text in 45 CFR § 1304.20(b), § 1304.20(f)(1), § 1304.41(b), § 1304.50(b)(3), 1304.52(j)(1) and § 1306.30(c) to make the provisions easier to understand without changing their requirements. There are also corrections to typographical errors in Appendix A, Paragraph (b), II General Procedures, and Paragraphs (c) and (e), III Human Resources Management. The references to "delegate agencies" are being deleted from 45 CFR 1305.3 because these references were included in the final regulations as the result of typographical errors. Paragraph (ix) is being deleted from 45 CFR 1304.50(d)(1). The provision, which requires that members of the Policy Councils and Policy Committees approve the Head Start Program's annual audit, was included in the final regulation through an error. The deletion of this provision necessitates changes to the numbering of 45 CFR 1304.50(d)(1) (x)-(xiii) and references to those provisions in Appendix A.

This notice also includes changes to several of the cross-references in the regulations which have been provided to assist grantees and others in using the document and which do not affect the