

**PART 180—[AMENDED]**

a. The authority citation for part 180 continues to read as follows:

**Authority :** 21 U.S.C. 346a and 371.

b. In § 180.145:

i. By designating paragraph (a) as paragraph (a)(1), by adding paragraph

(a)(2), and by adding a heading to paragraph (a).

ii. By removing paragraph (c) and redesignating paragraph (b) as new paragraph (c) and adding a heading.

iii. By adding and reserving new paragraphs (b) and (d) with headings.

The amendments to § 180.145 read as follows:

**§ 180.145 Fluorine compounds: tolerances for residues.**

(a) *General.* \* \* \*

(2) Time-limited tolerances are established for residues of the insecticidal fluorine compounds cryolite and synthetic cryolite (sodium aluminum fluoride) in or on the commodities as follows:

Commodity	Parts per million	Expiration/revocation date
Potatoes .....	2.0	11/21/2001
Potatoes, waste from processing .....	22.0	11/21/2001

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* \* \* \*

(d) *Indirect or inadvertent residues.* [Reserved]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Administration for Children and Families**

**45 CFR Parts 205, 232, 233, 235, 250, 251, 255, 256, and 257**

**RIN 0970-AB84**

**Repeal of Obsolete Title IV-A and IV-F Program Rules**

**AGENCY:** Administration for Children and Families (ACF), HHS.

**ACTION:** Final rule; removal.

**SUMMARY:** This document removes regulations governing certain programs repealed or eliminated under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, including: Emergency Assistance; Job Opportunities and Basic Skills Training; and three child care programs authorized under title IV-A of the Social Security Act. It also repeals some administrative rules of the AFDC program, because the program was repealed effective July 1, 1997.

**DATES:** Effective date is December 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mack Storrs, Director, Division of Self-Sufficiency Programs, Office of Family Assistance, ACF, at 202-401-9289.

**SUPPLEMENTARY INFORMATION:** On August 22, 1996, President Clinton signed The Personal Responsibility and Work Opportunity Reconciliation Act of

1996—or PRWORA—into law. This law replaced the nation's largest public assistance program, known as Aid to Families with Dependent Children, and affiliated programs, with a new block grant to States. It also made substantial changes to the Federal child care programs that served welfare recipients and other low-income families.

This legislation made a number of our existing regulations obsolete, effective July 1, 1997, or earlier. The purpose of this rulemaking is to remove many of the obsolete rules. Thus, this rulemaking reflects ACF's continuing commitment to the Administration's regulatory reinvention initiative. In particular, it responds to the first directive in the President's strategy—to "cut obsolete regulations." Through this rulemaking, we are eliminating approximately 82 pages of obsolete rules from the Code of Federal Regulations.

**Aid to Families With Dependent Children and Emergency Assistance**

Section 103(a) of PRWORA (Pub. L. 104-193) repealed the provisions in the existing part A of title IV of the Social Security Act and replaced them with provisions governing the new welfare block grant. Under section 116 of PRWORA, this change took effect on July 1, 1997, except in States that chose to implement their new welfare programs at an earlier date. The provisions that were repealed governed the existing programs of Aid to Families with Dependent Children (AFDC) and Emergency Assistance (EA).

The regulations for the Emergency Assistance program are found at 45 CFR 233.120. This rulemaking would remove this section of the regulation in its entirety.

The regulations for the AFDC program are found throughout Chapter II of Title 45 in the Code of Federal Regulations.

In this rulemaking we are removing only a limited number of administrative rules. They are those AFDC rules that

address the AFDC Quality Control System (authorized under section 408 of the Social Security Act, as in effect under prior law), some provisions related to child support requirements and fraud control, and certain provisions related to financial penalties against the States under prior law.

We will make other conforming changes to the AFDC regulations at a later date. We must exercise care in repealing the AFDC rules because: (1) eligibility for other programs, such as title IV-E (Foster Care) and title XIX (Medicaid), retain a direct connection to the AFDC rules in effect prior to PRWORA; and (2) many of the AFDC provisions are intertwined with provisions for other assistance programs that were not repealed. (The most notable example of this latter problem is the overlap between the AFDC rules and the rules for the adult programs operated by the Territories under titles I, X, IV, and XVI of the Social Security Act.) To address these more sensitive and complicated conforming changes, we need to engage in additional analysis and consult with other Federal agencies and other interested groups. Thus, most of the conforming changes to the AFDC regulations will be reserved for future rulemaking efforts.

**The IV-A Child Care Programs**

Section 103(c) of PRWORA eliminated the child care provisions that were in title IV-A of the Social Security Act at the time of enactment. Under section 116(c) of PRWORA, the elimination of those provisions took effect on October 1, 1996. The new child care provisions in title VI of PRWORA took effect that same day.

The programs eliminated by PRWORA were: child care for AFDC recipients and JOBS participants under section 402(g) of the Act, transitional child care for former AFDC recipients under section 402(g) of the Act, and child care for at-risk families under

section 402(i) of the Act. The rules governing these three programs are found at parts 255, 256, and 257 of Chapter II. In this rulemaking, we are removing all of our child care regulations in these parts.

Section 603(b) of PRWORA created a new section 418 of the Social Security Act that provides new funding for child care assistance under title IV-A of the Social Security Act. Child care funds provided in section 418 are under the control of the lead agency in the State responsible for administering the Child Care and Development Block Grant (CCDBG) program, and they are subject to the rules of that program. Together, we refer to the two types of child care funding as "The Child Care and Development Fund," or CCDF.

The CCDBG regulations are found at 45 CFR part 98. On July 23, 1997, ACF issued an NPRM (at 62 FR 39610) to add the new IV-A child care provisions to part 98 and address the other changes necessitated by PRWORA.

Note that some of the provisions in part 255 (i.e., §§ 255.1(c), 255.1(d), 255.1(h), 255.2(c), 255.2(d), 255.2(e), 255.3(g), 255.3(h), 255.4(d), and 255.4(e)) address supportive services funded under the JOBS program. We are also removing all JOBS-related provisions in the regulations, as discussed below.

Because all the provisions in parts 255 through 257 deal with either child care or JOBS supportive services provisions (or both) that were eliminated, we are removing these three parts in their entirety.

#### **Job Opportunities and Basic Skills Training (JOBS)**

Finally, section 108(e) of PRWORA repeals title IV-F of the Social Security Act (i.e., the JOBS program). Under section 116 of PRWORA, this repeal is effective at the same time as the repeal of the AFDC program, or no later than July 1, 1997. With the exception of the rules on JOBS supportive services, which we have already discussed, the JOBS rules are found at parts 250 and 251 of Chapter II of title 45. In this rulemaking, we are removing these JOBS regulations in their entirety.

#### **Effect of Rulemaking on Prior or Pending Actions**

You should be aware that the regulations we are removing still would apply with respect to State actions and behavior that occurred before the effective date of the new legislation. Under the transition rules of PRWORA (see section 116(b)(2)-(3) of the Act), the provisions of the new law do not apply "with respect to \* \* \* duties,

functions, rights, claims, penalties, or obligations applicable to aid, assistance, or services provided before" such effective date. They also do not apply to "administrative actions and proceedings" authorized to commence before that date.

Thus, the regulatory provisions that we are removing will continue to apply to State actions that took place prior to the implementation of the new programs, and we would base any penalty, disallowance, or claims against the State on such regulations.

#### **General Statutory Authority**

We are publishing these rules under the general authority of section 1102 of the Social Security Act, 42 U.S.C. 1302. This section requires publication of rules that may be necessary for the efficient administration of the functions under the Social Security Act.

#### **Regulatory Authority**

We are issuing a final rule rather than a notice of proposed rulemaking because we have determined, for good cause, that publication of a proposed rule and solicitation of comments is unnecessary. This final rule removes only obsolete provisions and programs.

Furthermore, this final rule will be effective immediately upon publication. It is unnecessary to postpone the effective date since none of the provisions being removed are still in effect, and no time for implementation is required.

#### **Executive Order 12866**

Executive Order 12866 requires that regulations be drafted to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this proposed rule is consistent with these priorities and principles.

The Executive Order encourages agencies, as appropriate, to provide the public with meaningful participation in the regulatory process. Such consultation was not necessary or appropriate for this particular rulemaking effort because of its technical nature in removing only obsolete provisions.

However, we will be engaging in consultation on the subsequent rulemaking that we are planning to address the more complex conforming changes to the AFDC regulation.

These regulations respond to the President's directive to Federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative and the National Performance Review by cutting obsolete regulations and getting rid of yesterday's government. It

entails no increase in cost or burden on State and local governments or other entities.

#### **Regulatory Flexibility Analysis**

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities. Small entities are defined in the Act to include small businesses, small non-profit organizations, and small governmental entities. Because of the nature of this rule, the Secretary certifies that it will not have a significant impact on small entities.

#### **Paperwork Reduction Act**

This rule contains no information collection activities subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

#### **Unfunded Mandates Act**

The Department has determined that this rule is not a significant regulatory action within the meaning of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

#### **List of Subjects**

##### **45 CFR Part 205**

Administrative practice and procedure, Aid to Families with Dependent Children, Computer technology, Grant programs—social programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements, Wages.

##### **45 CFR Part 232**

Aid to Families with Dependent Children, Child support enforcement, Grant programs—social programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements.

##### **45 CFR Part 233**

Aliens, Grant programs—social programs, Public assistance programs, Reporting and recordkeeping requirements.

##### **45 CFR Part 235**

Aid to Families with Dependent Children, Fraud, Grant programs—social programs, Public assistance programs.

##### **45 CFR Parts 250 and 251**

Aid to Families with Dependent Children, Employment, Grant programs—social programs, Manpower training programs, Reporting and recordkeeping requirements, Vocational education.

**45 CFR Parts 255 and 256**

Aid to Families with Dependent Children, Day care, Education and training, Employment, Grant programs—social programs.

**45 CFR Part 257**

Day care, Grant programs—social programs, Reporting and recordkeeping requirements.

(Catalogue of Federal Domestic Assistance Programs: 93.560—Family Support Payments to States—Assistance Payments; 93.561—Job Opportunities and Basic Skills Training (JOBS); 93.574—Child Care for Families at Risk of Welfare Dependency)

Dated: November 14, 1997.

**Olivia A. Golden,**

*Assistant Secretary for Children and Families.*

Under the authority of sections 116 of Pub. L. 104–193 and section 1302 of the Social Security Act, and for the reasons set forth in the preamble, we are amending Chapter II of title 45 of the Code of Federal Regulations, as follows:

**PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS**

1. The authority citation for Part 205 continues to read as follows:

**Authority:** 42 U.S.C. 602, 603, 606, 608, 1302, and 1306(a).

2. Remove sections 205.40 through 205.43 (including the appendix to § 205.41) and 205.146.

**PART 232—SPECIAL PROVISIONS APPLICABLE TO TITLE IV–A OF THE SOCIAL SECURITY ACT**

1. Remove part 232 (including appendix A).

**PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS**

1. The authority citation for part 233 continues to read as follows:

**Authority:** 42 U.S.C. 301, 602, 602 (note), 606, 607, 1202, 1302, 1352, and 1382 (note).

2. Remove § 233.120.

**PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS**

1. The authority citation for part 235 continues to read as follows:

**Authority:** 42 U.S.C. 603, 616, and 1302.

2. Remove §§ 235.111, 235.112, and 235.113.

**PART 250—JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM**

1. Remove part 250.

**PART 251—PROGRAM PARTICIPANT EMPLOYMENT PROTECTION**

1. Remove part 251.

**PART 255—CHILD CARE AND OTHER WORK-RELATED SUPPORTIVE SERVICES DURING PARTICIPATION IN EMPLOYMENT, EDUCATION, AND TRAINING**

1. Remove part 255.

**PART 256—TRANSITIONAL CHILD CARE**

1. Remove part 256.

**PART 257—AT-RISK CHILD CARE PROGRAM**

1. Remove part 257.

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****46 CFR Parts 170, 171, and 173 and Chapter I, Subchapters K and T**

[CGD 85–080]

RIN 2115–AC 22

**Small Passenger Vessel Inspection and Certification; Correction**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final rule [CGD 85–080] which was published on September 30, 1997 (62 FR 51326). The rule completely revised Coast Guard regulations that affect small passenger vessels of less than 100 gross tons in 46 CFR parts 170, 171, 173 and Chapter I, Subchapters K and T.

**DATES:** Effective on December 5, 1997.

**ADDRESSES:** A copy of the final rule as indicated in the preamble may be obtained via the Internet at [http://www.dot.gov/dotinfo/uscg/hq/g-m/nmc/regs/fr97/9\\_16.htm](http://www.dot.gov/dotinfo/uscg/hq/g-m/nmc/regs/fr97/9_16.htm) or by writing Commandant (G–MSO–2), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Eric P. Christensen, Project Manager, Office of Operating and Environmental Standards, (G–MSO–2), phone 202–267–1181, telefax 202–267–4570.

**SUPPLEMENTARY INFORMATION:****Need for Correction**

The Coast Guard published a final rule in the **Federal Register** on

September 30, 1997 (62 FR 51326), completely revising its regulations in 46 CFR parts 170, 171, and 173 and Chapter I, Subchapters K and T which affect small passenger vessels of less than 100 gross tons.

An incorrect document was inadvertently sent to the **Federal Register**. As published, the final rule contains information in its preamble and errors in the regulations that may prove to be misleading. Parts of the preamble need to be clarified and the regulations need to be corrected. These corrections merely conform the final rule to the document approved by the Commandant, USCG, DOT and OMB.

The Coast Guard acknowledges that publishing these correcting amendments immediately after publication of the final rule may confuse owners and operators of small passenger vessels. Therefore, the Coast Guard will make available via the Internet or upon request a copy of the final rule as it was to have been published. The Internet address is provided under **ADDRESSES**. A copy of the final rule may also be obtained by calling the Coast Guard at 202–267–1181 or by writing to the Coast Guard at the address provide under **ADDRESSES**.

For further clarification, the codified version in the CFR dated October 1, 1997, will contain an editorial note at the end of each part or section affected that it has been corrected by amendment published in the **Federal Register** on December 5, 1997.

**Correction of the Preamble**

In rule FR Doc. 97–25599 published on September 30, 1997 (62 FR 51326), make the following corrections to the preamble:

1. On page 51328, first column, paragraph (7), second sentence, remove the “resolved” and add, in its place, the word “addressed”.

2. On page 51328, third column, paragraph (c), remove the text and add, in its place, the following:

“A recently published internal instruction titled “RISK BASED DECISION-MAKING & G–M BUSINESS PLAN GOALS” provides technical and administrative guidance to the field on how risk assessment and management can and should be used in support of Commandant (G–M)’s Business Plan goals.”

3. On page 51329, third column, paragraph (7), line 27, after the word percent, add the words “passenger increase”.

4. On page 51330, second column, after paragraph (15), add the following: “(16) The Coast Guard has added a definition for wood vessel in subchapter