

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.

[FR Doc. 97–31770 Filed 12–4–97; 8:45 am]

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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 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

T to clarify which types of wood construction are subject to additional subdivision and lifesaving requirements presented in the IFR. The casualty data used throughout this rulemaking to justify the need for additional requirements for vessels constructed of wood shows the vessels involved were built using "traditional" plank-on-frame construction techniques. This type of construction requires the use of mechanical fastenings to maintain the integrity of the hull structure. The loss of fastener structural integrity can result in the "springing" of one or more planks and lead to catastrophic flooding. It is this type of construction that the Coast Guard has determined requires additional subdivision or lifesaving equipment requirements to provide an equivalent level of safety to steel, aluminum, and FRP construction. Many wood vessels have been constructed using cold molded, edge-glued epoxy, FRP over plywood, and other composite construction techniques that do not rely on mechanical fasteners to maintain hull integrity. Although these vessels are considered wood vessels for the purpose of certification, they will not be required to meet the additional subdivision and lifesaving requirements contained in Parts 179 and 180, respectively."

5. On page 51330, second column, under *Sections 114.540 and 175.540 Equivalents*, remove the words "and 175.540" from the heading, and remove the words "and 175.540(b)" from the text of the section.

6. On page 51334, first column, under *Section 116.438 Stairtowers, Stairways, Ladders, and Elevators*, add a new paragraph (1) to read as follows:

"(1) As previously discussed under sections 144.110 and 175.110, the Coast Guard has added a new paragraph (a) to § 116.438 for vessels carrying over 600 passengers or with overnight accommodations for more than 49 passengers.", and renumbered paragraphs (1), (2), and (3) as (2), (3), and (4), respectively.

7. On page 51334, second column, under *Section 116.500 Means of Escape*, in the heading remove the words "Section 116.500" and add, in their place, the words "Sections 116.500 and 177.500"; and remove the text and add, in its place, the following:

"Paragraphs 116.500(k)(1) and 177.500(j)(1) are revised to indicate that a ladder and a deck scuttle are acceptable as a second means of egress from crew spaces on any vessel, regardless of length. Difficulty has been encountered in the application of paragraph (h) in subchapter K. In the IFR, this paragraph indicated that the

maximum allowable travel distance to a means of egress could not exceed 46 meters (150 ft). Means of egress is (and was in the IFR) defined as "a continuous and unobstructed way of exit travel from any point in a vessel to an embarkation station or area of refuge." The intent of § 116.500(h) is to limit the distance of travel to a protected area, such as a stairway, area of refuge, or embarkation station. Section 116.500(h) is revised to clarify that travel distance to an exit may not exceed 46 meters, measured as actual walking distance. A definition was added to § 114.400 to define "exit" as either an area protected as a stairway, or a door which leads to an area of refuge or an embarkation station. Sections 116.500(p)(1) and 177.500 (o)(1) are amended to change the maximum dimension for a space that is permitted to have a single means of escape from 3.6 meters to 30 square meters to be consistent with other subchapters.

8. On page 51335, first column, under *Section 177.900 Deck Rails*, in the heading remove the word "Section" and add, in its place, the words "Sections 116.900 and"; and, in the last sentence of paragraph (1) after the word "spacing", add the words "or wire mesh".

9. On page 51336, first column, under *Section 178.330 Simplified Stability Proof Test*, remove the text and add, in its place, the following:

"The Coast Guard has re-evaluated this section. The simplified stability test on passenger vessels less than 65 feet is done in accordance with § 178.330 (§ 171.030 in subchapter S for old subchapter T). The traditional method for conducting the simplified test is provided on Coast Guard form CG-4006 (Rev. 8-79). This form dates back to "Ancient" subchapter T in § 179.10-1, but the language in new subchapter T is quite similar. Basically, the total weight of all persons and other loads are to be on board and "distributed so as to provide normal operating trim and to simulate the vertical center of gravity (VCG), causing the least stable condition that is likely to occur in service." Form CG-4006 goes one step further. On page 2 of 8, paragraph (2), the weight distribution on board a vessel "having one upper deck above the main deck available to passengers * * *" has an additional safety factor thrown in that is not currently taken from or referenced in the regulations. The weight located on the one upper deck is the equivalent of 1.33 times the actual weight of passengers to be located there. The rationale for doing so is understood, however, one problem is it appears "arbitrary" with no reference in the

regulations and no other apparent basis. It certainly does help to ensure the conservatism of the test, which has been proven by the test of time since it appears no subchapter T boats have been lost due to stability based upon this simple stability test. The Coast Guard affirms keeping the 1.33 safety factor for weight distribution on the upper deck, and has placed it in § 178.330(a)(4) of subchapter T and § 171.030(c) in subchapter S."

10. On page 51337, second column, under *Sections 117.71 and 180.71 Life Jackets*, paragraph (1), in line 12 after the number § 122.604, add the words "and 185.604", and at the end of paragraph (1), add the following sentence: "Paragraph (e) has been added to both sections to reference the appropriate marking requirements."

11. On page 51339, first column, under *Sections 118.300 and 181.300 Fire Pumps*, add a new paragraph (1) to read as follows:

"(1) As previously discussed in §§ 114.110 and 175.110, the Coast Guard amends § 118.300(c) by requiring vessels carrying more than 600 passengers to comply with subchapter H fire pump requirements."; at the end of the last sentence of paragraph (1) after the word "deleted" add the words "from paragraph (e) in both subchapters"; and renumber paragraph (1), (2), and (3) as (2), (3), and (4), respectively.

12. On page 51341, second column, before *Section 183.322 Multiple Generators*, add a new section to read as follows:

"*Section 120.312 Power sources on vessels of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers.*

As previously discussed in §§ 114.110 and 175.110, the Coast Guard amends the title of this section to include vessels carrying more than 600 passengers."

13. On page 51341, third column, under *Section 120.432 and 183.432 Emergency Lighting*, add the following paragraph to the end of the section:

"As previously discussed in §§ 114.110 and 175.110, the Coast Guard amends § 120.432(c) to include vessels carrying more than 600 passengers."

14. On page 51341, third column, after *Section 120.432 and 183.432 Emergency Lighting*, add a new section to read as follows:

"*Section 120.434 Lifeboat and liferaft floodlights on vessels of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers.*

As previously discussed in §§ 114.110 and 175.110, the Coast Guard amends § 120.434 to include vessels carrying more than 600 passengers."

15. On page 51341, third column, under *Sections 121.220 and 183.220 Cooking Equipment*, in the heading delete the number "183.220" and add, in its place, the number "184.220".

16. On page 51344, second column, paragraph (7), line 3, after the word "handrails", add the words "should be required to notify passengers of the dangers of low rails".

17. On page 51345, first column, under *Section 122.604 Lifesaving Equipment Markings*, in the heading delete the words "Section 122.604" and add, in their place, the words "Sections 122.604 and 185.604 and"; and add two new paragraphs at the end of the section to read as follows:

"One comment stated that the prescriptive lettering requirements for lifesaving equipment were unnecessary and not consistent with the subchapter W IFR.

The Coast Guard agrees, and has revised both sections by deleting prescriptive minimum letter size requirements."

18. On page 51345, second column, in Part 171—Special Rules Pertaining to Vessels Carrying Passengers, line 23 after the words "subpart K", add the words "of part 116."

List of Subjects

46 CFR Parts 114 and 175

Incorporation by reference, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Parts 115 and 176

Fire prevention, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Parts 116, 117, 119, 171, 178, 179, 180, and 182

Marine safety, Passenger vessels.

46 CFR Parts 118 and 181

Fire prevention, Marine safety, Passenger vessels.

46 CFR Parts 120 and 183

Electric power, Marine safety, Passenger vessels.

46 CFR Parts 121 and 184

Communications equipment, Marine safety, Navigation (water), Passenger vessels.

46 CFR Parts 122 and 185

Alcohol and alcoholic beverages, Drugs, Hazardous materials, Marine safety, Navigation (water), Passenger

vessels, Reporting and recordkeeping requirements.

46 CFR Part 170

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 173

Marine safety, Vessels.

46 CFR Part 177

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

Correction of Regulatory Text

Accordingly, 46 CFR parts 170, 171, and 173 and Chapter I, Subchapters K and T are corrected by making the following correcting amendments:

SUBCHAPTER K—SMALL PASSENGER VESSELS CARRYING MORE THAN 150 PASSENGERS OR WITH OVERNIGHT ACCOMMODATIONS FOR MORE THAN 49 PASSENGERS

PART 114—GENERAL PROVISIONS

1. The authority citation for part 114 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46. Sec. 114.900 also issued under 44 U.S.C. 3507.

§ 114.400 [Corrected]

2. In § 114.400(b), in the definition for "High Speed Craft", in the equation " $V=3.7 \times \text{displ}^{1/667} H$ ", add a decimal point before the number "1667".

PART 116—CONSTRUCTION AND ARRANGEMENT

3. The authority citation for part 116 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 116.439 [Corrected]

4. In § 116.439(e), remove the word "etc." and add, in its place, the words "or other obstructions".

§ 116.500 [Corrected]

5. In § 116.500(h), remove the word "be" immediately before the number "46".

PART 117—LIFESAVING EQUIPMENT AND ARRANGEMENTS

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

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; 49 CFR 1.46.

§ 117.130 [Corrected]

7. In § 117.130(b), remove the words "part 160, subparts 160.062 or 160.162, of this chapter" and add, in their place, the words "approval series 160.062 or 160.162".

§ 117.150 [Corrected]

8. In § 117.150(a), remove the words "part 160, subpart 160.163, of this chapter" and add, in their place, the words "approval series 160.163", and remove the words "part 160, subpart 160.175, of this chapter" and add, in their place, the words "approval series 160.175".

§ 117.175 [Corrected]

9. In § 117.175(f)(4), remove the words "part 161, subpart 161.010, of this chapter" and add, in their place, the words "approval series 161.010".

§ 117.200 [Corrected]

10. In § 117.200, in paragraph (a)(1), remove the words "part 160, subpart 160.151, of this chapter," and add, in their place, the words "approval series 160.151"; in paragraph (a)(2), remove the words "part 160, subpart 160.027, of this chapter," and add, in their place, the words "approval series 160.027"; and in paragraphs (a)(3) and (a)(4), remove the words "part 160, subpart 160.010, of this chapter," and add, in their place, the words "approval series 160.010".

§ 117.210 [Corrected]

11. In § 117.210(c), remove the words "complying with part 160, subpart 160.056, of this chapter" and add, in their place, the words "approved under approval series 160.056", and remove the words "part 160, subpart 160.156, of this chapter" and add, in their place, the words "approval series 160.156".

PART 118—FIRE PROTECTION EQUIPMENT

12. The authority citation for part 118 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 118.320 [Corrected]

13. In § 118.320(c)(1), remove the words "part 162, subpart 162.027, of this chapter" and add, in their place, the words "approval series 162.027".

PART 121—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

14. The authority citation for part 121 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 121.710 [Corrected]

15. In § 121.710, remove the words "part 160, subpart 160.041, of this chapter" and add, in their place, the words "approval series 160.041".

PART 122—OPERATIONS

16. The authority citation for part 122 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 6101; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 122.604 [Corrected]

17. In § 122.604, in paragraph (a) introductory text, remove the words "at least 76 millimeters (3 inches) high"; in paragraph (d), add the words "and numbers" after the word "letters" and remove the words "in letters and numbers at least 40 millimeters (1.5 inches) high"; in paragraph (e) introductory text add the words "and numbers" after the word "letters" and remove the words "in letters and numbers at least 40 millimeters (1.5 inches) high".

SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

PART 175—GENERAL PROVISIONS

18. The authority citation for part 175 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46. Sec. 175.900 also issued under 44 U.S.C. 3507.

19. In § 175.400, in the definition for "High Speed Craft", in the equation " $V = 3.7 \times \text{displ}^{1/667} h$ ", add a decimal point before the number "1667", and add, in alphabetical order, a definition for "wood vessel" to read as follows:

§ 175.400 Definitions of terms used in this subchapter.

* * * * *

Wood vessel means, for the purposes of subdivision and lifesaving equipment requirements in this subchapter, a traditionally-built, plank-on-frame vessel, where mechanical fasteners (screws, nails, trunnels) area used to maintain hull integrity.

* * * * *

PART 177—CONSTRUCTION AND ARRANGEMENT

20. The authority citation for part 177 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

21. In § 177.500, in paragraph (j)(1), remove the last word "and" and add, in its place, the word "or"; and revise paragraph (o)(1) to read as follows:

§ 177.500 Means of escape.

* * * * *

(o) * * *

(1) The space has a deck area less than 30 square meters (322 square feet);

* * * * *

PART 178—INTACT STABILITY AND SEAWORTHINESS

22. The authority citation for part 178 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 178.330 [Corrected]

23. In § 178.330(a)(4)(v), remove the equation

$$\text{"Weight on Upper Deck"} = \frac{\text{Weight on Upper Deck}}{\text{\# of Passengers on Upper Deck}} \times \frac{\text{Weight per Passenger}}{\text{Weight per Passenger}} \times 1.33"$$

and add, in its place, the following equation:

$$\text{"Weight on Upper Deck"} = (\text{\# of Passengers on Upper Deck}) \times (\text{Wt per Passenger}) \times 1.33"$$

PART 180—LIFESAVING EQUIPMENT AND ARRANGEMENTS

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

Authority: 46 U.S.C. 2104, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 180.130 [Corrected]

25. In § 180.130(b), remove the words "part 160, subparts 160.062 or 160.162, of this chapter" and add, in their place, the words "approval series 160.062 or 160.162".

§ 180.210 [Corrected]

26. In § 180.210(d), remove the words "complying with approval series 160.056" and add, in their place, the words "approved under approval series 160.156".

PART 185—OPERATIONS

27. The authority citation for part 185 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 6101; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 185.604 [Corrected]

28. In § 185.604, in paragraph (a) introductory text, remove the words "at least 76 millimeters (3 inches) high"; in paragraph (d), add the words "and numbers" after the word "letters" and remove the words "in letters and numbers at least 40 millimeters (1.5 inches) high"; and, in paragraph (e) introductory text, add the words "and numbers" after the word "letters" and remove the words "in letters and numbers at least 40 millimeters (1.5 inches) high".

Dated: December 1, 1997.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

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BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC32

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Callippe Silverspot Butterfly and the Behren's Silverspot Butterfly and Threatened Status for the Alameda Whipsnake

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) determines endangered status pursuant to the Endangered Species Act of 1973, as amended (Act) for the callippe silverspot butterfly (*Speyeria callippe callippe*) and Behren's silverspot butterfly (*Speyeria zerene behrensi*) and threatened status for the Alameda whipsnake (Alameda striped racer) (*Masticophis lateralis euryxanthus*). The callippe silverspot butterfly is found at two sites on grasslands in the San Francisco Bay