

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.*

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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

requirements of the regulations. The phrase "Head Start parents" was omitted from 45 CFR 1304.41(b) and is being inserted to comply with Section 641A(a)(3)(C)(ii) of the Head Start Act (42 U.S.C. 9836A). The parenthetical phrase ("this regulation is binding on Policy Councils exclusively") is being removed from § 1304.51(d)(1)(iii) because it may be misunderstood. The statement in the parenthetical applies to the cross reference cited in the provision as a whole.

Grantees that already have taken steps to comply with 45 CFR 1304.41(b), will be given an opportunity to take any necessary corrective action before being sanctioned as provided by the Head Start Act.

Waiver of Notice and Comment Procedures

The Administrative Procedure Act (5 U.S.C. 553(b)(B)) requires that a notice of proposed rulemaking be published unless the Department finds, for good cause, that such notice and opportunity for public comment is impracticable, unnecessary, or contrary to the public interest. In this instance, the rule in question effects technical changes, corrections to and deletion of text not properly included in the regulations and a change necessary to comply with provisions of the Head Start Act. Accordingly, the Department has determined that it would be unnecessary to use notice and comment procedures in issuing these amendments.

Impact Analysis

No Impact Analysis is needed for the technical amendments. The impact of the necessary corrections falls within the analysis of the Performance Standards published in the **Federal Register** on November 5, 1996 (61 FR 57186 and 57209).

List of Subjects

45 CFR Part 1301

Administrative practice and procedure, Education of disadvantaged, Grant programs/social programs, Selection of grantees.

45 CFR Part 1304

Dental health, Education of disadvantaged, Grant programs/social programs, Health care, Mental health programs, Nutrition, Reporting and recordkeeping requirements.

45 CFR Part 1305

Education of disadvantaged, Grant programs/social programs, Individuals with disabilities.

45 CFR Part 1306

Education of disadvantaged, Grant programs/social programs, Individuals with disabilities.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: January 7, 1998.

Neil J. Stillman,

Deputy Assistant Secretary for Information and Resource Management.

Accordingly, 45 CFR Parts 1301, 1304, 1305, and 1306 of the Head Start final rule are corrected by making the following technical and correcting amendments:

PART 1301—HEAD START GRANTS ADMINISTRATION

1. The authority citation for Part 1301 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*

2. In § 1301.31, revise the parenthetical sentence at the end of the section to read as follows:

§ 1301.31 Personnel policies.

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(The information collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraph (b).)

PART 1304—PROGRAM PERFORMANCE STANDARDS FOR THE OPERATION OF HEAD START PROGRAMS BY GRANTEE AND DELEGATE AGENCIES

3. The authority citation for Part 1304 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*

§ 1304.20 [Corrected]

4. In § 1304.20:

A. In the heading of paragraph (b):

(1) Remove the word "screening" and add in its place "concerns"; and

(2) Add the words "screening for" before the word "developmental";

B. In the first sentence of paragraph (b)(1):

(1) Add the words "screening procedures to identify concerns regarding a child's" after the word "appropriate";

(2) Add in parentheses "(visual and auditory)," after the word "sensory";

(3) Remove the word "and" before the word "behavioral" and add a comma after "behavioral", and remove the words "screenings of" after the word "behavioral";

C. In the second sentence of paragraph (b)(1) remove the word "screenings" and add the words "screening procedures".

D. In paragraph (c)(4), after the words "Individualized Education Program" add the parenthetical letters "(IEP)";

E. In paragraph (f)(1) add the words "screening for" before the word "developmental" and remove the word "screening" after the word "behavioral" and add the word "concerns" in its place; and

F. Add the Office of Management and Budget Control Number in a parenthetical sentence at the end to read as follows:

§ 1304.20 Child health and developmental services.

* * * * *

(The information and collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraphs (a), (c) and (d).)

§ 1304.21 [Corrected]

5. In § 1304.21(b)(1), within the parenthetical phrase at the end which reads "(see 45 CFR 1304.3(a)(5))", add the words "for a definition of curriculum" after the number "(5)". In paragraph (b)(1)(i) of this section in the phrase at the end which reads "See 45 CFR 1304.52(g)(4)", remove the number "(4)" and replace it with "(2)".

6. In § 1304.22, add the OMB Control Number in a parenthetical sentence at the end of the section to read as follows:

§ 1304.22 Child health and safety.

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(The information collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraph (c).)

7. In § 1304.23, add the OMB Control Number in a parenthetical sentence at the end of the section to read as follows:

§ 1304.23 Child nutrition.

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(The information collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraph (a).)

§ 1304.40 [Corrected]

8. In § 1304.40(a) (2) and (3) remove the capital letters from "Family Partnership Agreements" and "Agreement" and in their place add the lower case. At the end of paragraph (i)(4) of this section, add in parentheses "(See 45 CFR 1306.33 regarding the home-based program option.)". Add the Office of Management and Budget Control Number in a parenthetical sentence at the end of the section to read as follows:

§ 1304.40 Family partnerships.

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(The information and collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraph (a).)

§ 1304.41 [Corrected]

9. In § 1304.41(b), after the word "includes" add the words "Head Start parents,". In this same paragraph add a comma after the word "professionals" and add the word "other" before the word "volunteers". Add the Office of Management and Budget Control Number in a parenthetical sentence at the end of the section to read as follows:

§ 1304.41 Community partnerships.

* * * * *

(The information collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraph (a).)

§ 1304.50 [Corrected]

10. In § 1304.50(b)(3), after the words "low-income children and families" remove the period and add a comma in its place, remove "Community representatives may", and remove "include" and add "including, for example," in its place. In paragraph (d)(1)(iii) at the end, remove the phrase "(this regulation is binding on Policy Councils exclusively)". Remove paragraph (d)(1)(ix) of this section and redesignate paragraphs (d)(1)(x) through (d)(1)(xii) as paragraphs (d)(1)(ix) through (d)(1)(xi), respectively. In paragraph (e)(3), remove the words "Governing Board" and in its place add "governing body". Add the Office of Management and Budget Control Number in a parenthetical sentence at the end of the section to read as follows:

§ 1304.50 Program governance.

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(The information and collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraphs (f), (g), and (h).)

Appendix A—[Corrected]

11. In Appendix A, make corrections as follows:

A. Under I. Planning, the "Function" column, remove the sentence at the end of paragraph (a) which reads "(this regulation is binding on Policy Councils exclusively.)".

B. In paragraph (b) under II. General Procedures, in the Grantee Agency/Policy Council column, remove the "C" and add in its place "—" to show the space is now blank and on the same line in the Delegate Agency/Policy Committee column remove the letter "C" and add in its place "—" to show the space is now blank.

C. Under II. General Procedures, in paragraph (g), at the beginning, remove "1304.50(d)(1)(ix)".

D. Under III, Human Resources Management:

(1) In paragraph (a) remove "1304.50(d)(1)(x)" and add in its place "1304.50(d)(1)(ix)".

(2) In paragraph (b) remove "1304.50(d)(1)(xi)" and add in its place "1304.50(d)(1)(x)".

(3) In paragraph (c) remove "1304.50(d)(1)(xii)" and add in its place "1304.50(d)(1)(xi)", and in the column on Grantee Agency/Governing body remove "C" and add in its place "A".

(4) In paragraph (d) remove "1304.50(d)(1)(xi)" and add in its place "1304.50(d)(1)(x)".

(5) In paragraph (e), remove "1304.50(d)(1)(xii)" and add in its place "1304.50(d)(1)(xi)", and under the Delegate Agency/Governing body column, remove the "C" and add in its place "A".

§ 1304.51 [Corrected]

12. At the end of § 1304.51(a)(1)(iii), add the sentence "See the requirements of 45 CFR parts 1305, 1306, and 1308.". Add the Office of Management and Budget Control Number in a parenthetical sentence at the end of the section to read as follows:

§ 1304.51 Management systems and procedures.

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(The information and collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraphs (a) and (i).)

§ 1304.52 [Corrected]

13. In § 1304.52(j)(1) add a set of parentheses around the words "that includes screening for tuberculosis". Add the Office of Management and Budget Control Number in a parenthetical sentence at the end of the section to read as follows:

§ 1304.52 Human resources management.

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(The information and collection requirements are approved by the Office

of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraph (j).)

14. In § 1304.60 add the Office of Management and Budget Control Number in a parenthetical sentence at the end of the section to read as follows:

§ 1304.60 Deficiencies and quality improvement plans.

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(The information and collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0148 for paragraphs (b) and (c).)

PART 1305—ELIGIBILITY, RECRUITMENT, SELECTION, ENROLLMENT AND ATTENDANCE IN HEAD START

15. The authority citation for Part 1305 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*

§ 1305.3 [Corrected]

16. In § 1305.3(b) remove the words "and delegate agency" and "or delegate's". In paragraph (d) of this section remove "or delegate agency". Revise the Office of Management and Budget Control Number parenthetical sentence at the end of the section to read as follows:

§ 1305.3. Determining community strengths and needs.

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(The information collection requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 0970-0124 for paragraphs (b) and (d).)

PART 1306—HEAD START STAFFING REQUIREMENTS AND PROGRAM OPTIONS

17. The authority citation for Part 1306 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*

§ 1306.30 [Corrected]

18. In § 1306.30(c) in the second sentence, remove the comma before the words "at a minimum", remove the words "at a minimum,", remove the word "the" before the word "safety", add the words "health and" before the word "safety", and remove the words "of facilities" and add the word "as" in its place.

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