

March 6, 1995, final rule. As noted above, the seat cushions in commuter category airplanes may, however, be required to meet the fire blocking standards at some future date as a result of separate rulemaking action.

Issued in Washington, DC, on February 8, 1996.

Thomas E. McSweeney,
 Director, Aircraft Certification Service.
 [FR Doc. 96-3490 Filed 2-14-96; 8:45 am]
 BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-36824]

Delegation of Authority to the Secretary of the Commission

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules to delegate authority to the Secretary of the Commission to publish notice of proposed plans for distribution of funds ordered to be disgorged pursuant to an Order of the Commission. The delegation also provides authority to waive any of the requirements for a plan contained in Rule 611 of the Commission's Rules of Practice, and to issue an order approving the plan, if no negative comments or objections are submitted during the notice period. This delegation of authority will conserve the resources of the Commission as well as expedite the distribution of moneys paid in satisfaction of judgements.

EFFECTIVE DATE: February 15, 1996.

FOR FURTHER INFORMATION CONTACT: Jonathan G. Katz, Secretary, Office of the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549, telephone (202) 942-7070.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today announced amendments to its rules governing delegation of authority to the Office of the Secretary.

On June 9, 1995, the Commission adopted comprehensive revisions to its Rules of Practice for administrative proceedings. These rules, published in the Federal Register on June 23, 1995 (60 FR 32738), established procedures for the payment and distribution of penalties and disgorgements ordered in a Commission administrative proceeding.

The Commission is delegating to its Secretary the authority to publish the notice of proposed plans of disgorgement pursuant to Rule 612 of the Rules of Practice, and, if no comments opposing the proposed plan are received, to issue an order approving the proposed plan of distribution pursuant to Rule 613. The delegation also authorizes the Secretary to permit the staff to omit from the proposed plan of disgorgement any of the plan elements required by Rule 611, upon motion by the staff for good cause.

The Commission finds, in accordance with Section 553(b)(A) of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), that this amendment relates solely to agency organization, procedure, or practice. Accordingly, notice and opportunity for public comment, as well as publication 30 days before its effective date, are unnecessary.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

Text of Amendment

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for Part 200, Subpart A, continues to read in part as follows:

Authority: 15 U.S.C. 77s, 78d-1, 78d-2, 78w, 78ll(d), 79t, 77sss, 80a-7, 80b-11, unless otherwise noted.

* * * * *

2. Section 200.30-7 is amended by removing the period at the end of paragraphs (a)(9) and (a)(10) and adding a semicolon in its place and by adding paragraph (a)(11) to read as follows:

§ 200.30-7 Delegation of authority to Secretary of the Commission.

* * * * *

(a) * * *
 (11) To publish pursuant to Rule 612 of the Commission's Rules of Practice, § 201.612 of this chapter, notices of plans of disgorgement and, if no negative comments are received, to issue orders approving proposed plans of disgorgement pursuant to Rule 613 of the Commission's Rules of Practice, § 201.613 of this chapter. Upon the motion of the staff for good cause shown, to approve the publication of proposed plans of disgorgement that

omit plan elements required by Rule 611 of the Commission's Rules of Practice, § 201.611 of this chapter.

* * * * *

By the Commission.
 Dated: February 9, 1996.
 Jonathan G. Katz,
 Secretary.
 [FR Doc. 96-3359 Filed 2-14-96; 8:45 am]
 BILLING CODE 8010-01-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 401, 404, 416, 422, and 423

[Regulation Nos. 1, 4, 16, 22, and 23]

RIN 0960-AE32

Revision of Authority Citations

AGENCY: Social Security Administration.
ACTION: Final rule with request for comments.

SUMMARY: The authority citations for the Social Security Administration (SSA) regulations are being revised. As of March 31, 1995, new regulatory authority was given to the Commissioner of Social Security by the Social Security Independence and Program Improvements Act of 1994 (the Independence Act). The authority citations are being revised where appropriate to reflect this change in authority and other changes in the law to provide updated citations for the public.

DATES: This rule is effective February 15, 1996. We will consider any comments received no later than April 15, 1996.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966-2830, sent by E-mail to "regulations@ssa.gov", or delivered to the Division of Regulations and Rulings, Social Security Administration, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Daniel T. Bridgewater, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-3298 for information about this rule. For information on eligibility or claiming benefits, call our national toll-free number, 1-800-772-1213.

SUPPLEMENTARY INFORMATION: SSA is revising the statutory authority citations for the following parts under 20 CFR chapter III:

1. Part 401—*Disclosure of Official Records and Information*;
2. Part 404—*Federal Old-Age, Survivors and Disability Insurance (1950–)*;
3. Part 416—*Supplemental Security Income for the Aged, Blind, and Disabled*;
4. Part 422—*Organization and Procedures*; and
5. Part 423—*Service of Process*.

Prior to March 31, 1995, the general regulatory authority for SSA programs and administration was vested in the Secretary of Health and Human Services (the Secretary) and was based on section 1102 of the Social Security Act (the Act) (42 U.S.C. 1302). However, the Independence Act, Public Law 103–296, established the Social Security Administration as an independent agency in the Executive Branch of the Federal government and provided general regulatory authority effective March 31, 1995, in the Commissioner of Social Security (the Commissioner) in section 702(a)(5) of the Act (42 U.S.C. 902(a)(5)).

Where current authority citations in parts 401, 404, 416, 422, and 423 refer to the Secretary's authority, SSA is revising them to refer solely to the Commissioner's authority. SSA is also updating the citations to remove obsolete references and reflect changes in the law since the citations were last revised.

Electronic Version

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9:00 A.M. on the date of publication in the Federal Register. To download the file, modem dial (202) 512–1387. The FBB instructions will explain how to download the file and the fee. This file is in WordPerfect and will remain on the FBB during the comment period.

Regulatory Procedures

Pursuant to section 702(a)(5) of the Act (42 U.S.C. 902(a)(5)), SSA follows the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its prior notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest.

We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for

dispensing with the notice and public comment procedures in this case. Good cause exists because these are minor technical changes which make no substantive change in the regulations and have no effect on the public. Therefore, opportunity for prior comment is unnecessary, and we are issuing these changes to our regulations as a final rule.

SSA is publishing these regulations as a final rule with a 60-day comment period. SSA will consider any timely comments and will revise and republish this rule if the public comments warrant.

In addition, SSA is not providing a 30-day delay in the effective date of this final rule under 5 U.S.C. 553(d). This is not a substantive rule, and there is no change in policy. Accordingly, the requirements of 5 U.S.C. 553(d) are inapplicable.

Executive Order 12866

SSA has consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, it was not subject to OMB review.

Regulatory Flexibility Act

SSA certifies that this final rule will not have a significant economic impact on a substantial number of small entities since it makes no changes in policy. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

This final rule imposes no additional reporting or recordkeeping requirements subject to OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.003 Social Security—Special Benefits for Persons Aged 72 and Over; 96.004 Social Security—Survivors Insurance; 96.005 Special Benefits for Disabled Coal Miners; 96.006 Supplemental Security Income; 96.007 Social Security—Research and Demonstration)

List of Subjects

20 CFR Part 401

Administrative practice and procedure, Disclosure, Privacy, Social security, Supplemental Security Income (SSI).

20 CFR Part 404

Administrative practice and procedure, Blind, Old-Age, Survivors and Disability benefits, Old-Age,

Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social security.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI), Reporting and recordkeeping requirements.

20 CFR Part 422

Administrative practice and procedure, Freedom of information, Organization and functions (Government agencies), Social security.

20 CFR Part 423

Courts.

Dated: February 1, 1996.

Shirley S. Chater,
Commissioner of Social Security.

For the reasons set out in the preamble, 20 CFR chapter III is amended as follows:

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

1. An authority citation is added after the table of contents for part 401 and before the regulatory text for part 401 to read as follows:

Authority: Secs. 205, 702(a)(5), 1106, and 1141 of the Social Security Act (42 U.S.C. 405, 902(a)(5), 1306, and 1320b–11); 5 U.S.C. 552 and 552a; 8 U.S.C. 1360; 26 U.S.C. 6103; 30 U.S.C. 923.

2. The authority citation for each subpart in part 401 is removed.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart A—[Amended]

1. The authority citation for subpart A of part 404 is revised to read as follows:

Authority: Secs. 203, 205(a), 216(j), and 702(a)(5) of the Social Security Act (42 U.S.C. 403, 405(a), 416(j), and 902(a)(5)).

Subpart B—[Amended]

2. The authority citation for subpart B of part 404 is revised to read as follows:

Authority: Secs. 205(a), 212, 213, 214, 216, 217, 223, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), 412, 413, 414, 416, 417, 423, and 902(a)(5)).

Subpart C—[Amended]

3. The authority citation for subpart C of part 404 is revised to read as follows:

Authority: Secs. 202(a), 205(a), 215, and 702(a)(5) of the Social Security Act (42 U.S.C. 402(a), 405(a), 415, and 902(a)(5)).

Subpart D—[Amended]

4. The authority citation for subpart D of part 404 is revised to read as follows:

Authority: Secs. 202, 203 (a) and (b), 205(a), 216, 223, 225, 228(a)–(e), and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403 (a) and (b), 405(a), 416, 423, 425, 428(a)–(e), and 902(a)(5)).

Subpart E—[Amended]

5. The authority citation for subpart E of part 404 is revised to read as follows:

Authority: Secs. 202, 203, 204 (a) and (e), 205 (a) and (c), 222(b), 223(e), 224, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403, 404 (a) and (e), 405 (a) and (c), 422(b), 423(e), 424a, 425, and 902(a)(5)).

Subpart F—[Amended]

6. The authority citation for subpart F of part 404 is revised to read as follows:

Authority: Secs. 204(a)–(d), 205(a), and 702(a)(5) of the Social Security Act (42 U.S.C. 404(a)–(d), 405(a), and 902(a)(5)); 31 U.S.C. 3720A.

Subpart G—[Amended]

7. The authority citation for subpart G of part 404 is revised to read as follows:

Authority: Secs. 202 (i), (j), (o), (p), and (r), 205(a), 216(i)(2), 223(b), 228(a), and 702(a)(5) of the Social Security Act (42 U.S.C. 402 (i), (j), (o), (p), and (r), 405(a), 416(i)(2), 423(b), 428(a), and 902(a)(5)).

Subpart H—[Amended]

8. The authority citation for subpart H of part 404 is revised to read as follows:

Authority: Secs. 205(a) and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a) and 902(a)(5)).

Subpart I—[Amended]

9. The authority citation for subpart I of part 404 is revised to read as follows:

Authority: Secs. 205(a), (c)(1), (c)(2)(A), (c)(4), (c)(5), (c)(6), and (p), 702(a)(5), and 1143 of the Social Security Act (42 U.S.C. 405(a), (c)(1), (c)(2)(A), (c)(4), (c)(5), (c)(6), and (p), 902(a)(5), and 1320b–13).

Subpart J—[Amended]

10. The authority citation for subpart J of part 404 is revised to read as follows:

Authority: Secs. 201(j), 205(a), (b), (d)–(h), and (j), 221, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 401(j), 405(a), (b), (d)–(h), and (j), 421, 425, and 902(a)(5)); 31 U.S.C. 3720A; sec. 5, Pub. L. 97–455, 96 Stat. 2500 (42 U.S.C. 405 note); secs. 5, 6(c)–(e), and 15, Pub. L. 98–460, 98 Stat. 1802 (42 U.S.C. 421 note).

Subpart K—[Amended]

11. The authority citation for subpart K of part 404 is revised to read as follows:

Authority: Secs. 202(v), 205(a), 209, 210, 211, 229(a), 230, 231, and 702(a)(5) of the Social Security Act (42 U.S.C. 402(v), 405(a), 409, 410, 411, 429(a), 430, 431, and 902(a)(5)).

Subpart M—[Amended]

12. The authority citation for subpart M of part 404 is revised to read as follows:

Authority: Secs. 205, 210, 218, and 702(a)(5) of the Social Security Act (42 U.S.C. 405, 410, 418, and 902(a)(5)); sec. 12110, Pub. L. 99–272, 100 Stat. 287 (42 U.S.C. 418 note); sec. 9002, Pub. L. 99–509, 100 Stat. 1970.

Subpart N—[Amended]

13. The authority citation for subpart N of part 404 is revised to read as follows:

Authority: Secs. 205(a) and (p), 210(l) and (m), 215(h), 217, 229, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a) and (p), 410(l) and (m), 415(h), 417, 429, and 902(a)(5)).

Subpart O—[Amended]

14. The authority citation for subpart O of part 404 is revised to read as follows:

Authority: Secs. 202(l), 205(a), (c)(5)(D), (i), and (o), 210(a)(9) and (l)(4), 211(c)(3), and 702(a)(5) of the Social Security Act (42 U.S.C. 402(l), 405(a), (c)(5)(D), (i), and (o), 410(a)(9) and (l)(4), 411(c)(3), and 902(a)(5)).

Subpart P—[Amended]

15. The authority citation for subpart P of part 404 is revised to read as follows:

Authority: Secs. 202, 205(a), (b), and (d)–(h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b), and (d)–(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5)).

Subpart Q—[Amended]

16. The authority citation for subpart Q of part 404 is revised to read as follows:

Authority: Secs. 205(a), 221, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), 421, and 902(a)(5)).

Subpart R—[Amended]

17. The authority citation for subpart R of part 404 is revised to read as follows:

Authority: Secs. 205(a), 206, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), 406, and 902(a)(5)).

Subpart S—[Amended]

18. The authority citation for subpart S of part 404 is revised to read as follows:

Authority: Secs. 205(a) and (n), 207, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a) and (n), 407, and 902(a)(5)).

Subpart T—[Amended]

19. The authority citation for subpart T of part 404 is revised to read as follows:

Authority: Secs. 205(a), 233, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), 433, and 902(a)(5)).

Subpart U—[Amended]

20. The authority citation for subpart U of part 404 is revised to read as follows:

Authority: Secs. 205 (a), (j), and (k), and 702(a)(5) of the Social Security Act (42 U.S.C. 405 (a), (j), and (k), and 902(a)(5)).

Subpart V—[Amended]

21. The authority citation for subpart V of part 404 is revised to read as follows:

Authority: Secs. 205(a), 222, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), 422, and 902(a)(5)).

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED**Subpart A—[Amended]**

1. The authority citation for subpart A of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5) and 1601–1635 of the Social Security Act (42 U.S.C. 902(a)(5) and 1381–1383d); sec. 212, Pub. L. 93–66, 87 Stat. 155 (42 U.S.C. 1382 note); sec. 502(a), Pub. L. 94–241, 90 Stat. 268 (48 U.S.C. 1681 note).

Subpart B—[Amended]

2. The authority citation for subpart B of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act (42 U.S.C. 902(a)(5), 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c); secs. 211 and 212, Pub. L. 93–66, 87 Stat. 154 and 155 (42 U.S.C. 1382 note); sec. 502(a), Pub. L. 94–241, 90 Stat. 268 (48 U.S.C. 1681 note); sec. 2, Pub. L. 99–643, 100 Stat. 3574 (42 U.S.C. 1382h note).

Subpart C—[Amended]

3. The authority citation for subpart C of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1611, and 1631 (a), (d), and (e) of the Social Security Act (42 U.S.C. 902(a)(5), 1382, and 1383 (a), (d), and (e)).

Subpart D—[Amended]

4. The authority citation for subpart D of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1611 (a), (b), (c), and (e), 1612, 1617, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382 (a), (b), (c), and (e), 1382a, 1382f, and 1383).

Subpart E—[Amended]

5. The authority citation for subpart E of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1601, 1602, 1611 (c) and (e), and 1631 (a)–(d) and (g) of the Social Security Act (42 U.S.C. 902(a)(5), 1381, 1381a, 1382 (c) and (e), and 1383 (a)–(d) and (g)).

Subpart F—[Amended]

6. The authority citation for subpart F of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1631 (a)(2) and (d)(1) of the Social Security Act (42 U.S.C. 902(a)(5) and 1383 (a)(2) and (d)(1)).

Subpart G—[Amended]

7. The authority citation for subpart G of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1611, 1612, 1613, 1614, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382, 1382a, 1382b, 1382c, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

Subpart H—[Amended]

8. The authority citation for subpart H of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1601, 1614(a)(1) and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381, 1382c(a)(1), and 1383).

Subpart I—[Amended]

9. The authority citation for subpart I of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1611, 1614, 1619, 1631(a), (c), and (d)(1), and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1382, 1382c, 1382h, 1383(a), (c), and (d)(1), and 1383b); secs. 4(c) and 5, 6(c)–(e), 14(a) and 15, Pub. L. 98–460, 98 Stat. 1794, 1801, 1802, and 1808 (42 U.S.C. 421 note, 423 note, 1382h note).

Subpart J—[Amended]

10. The authority citation for subpart J of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1614, 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1382c, 1383, and 1383b).

Subpart K—[Amended]

11. The authority citation for subpart K of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

Subpart L—[Amended]

12. The authority citation for subpart L of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

Subpart M—[Amended]

13. The authority citation for subpart M of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1611–1615, 1619, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382–1382d, 1382h, and 1383).

Subpart O—[Amended]

14. The authority citation for subpart O of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5) and 1631(d) of the Social Security Act (42 U.S.C. 902(a)(5) and 1383(d)).

Subpart P—[Amended]

15. The authority citation for subpart P of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1614(a)(1)(B) and (e), and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382c(a)(1)(B) and (e), and 1383); 8 U.S.C. 1254a; sec. 502, Pub. L. 94–241, 90 Stat. 268 (48 U.S.C. 1681 note).

Subpart Q—[Amended]

16. The authority citation for subpart Q of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1611(e)(3), 1615, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382(e)(3), 1382d, and 1383).

Subpart R—[Amended]

17. The authority citation for subpart R of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1614(b), (c), and (d), and 1631(d)(1) and (e) of the Social Security Act (42 U.S.C. 902(a)(5), 1382c (b), (c), and (d), and 1383 (d)(1) and (e)).

Subpart S—[Amended]

18. The authority citation for subpart S of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5) and 1631 of the Social Security Act (42 U.S.C. 902(a)(5) and 1383).

Subpart T—[Amended]

19. The authority citation for subpart T of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1616, 1618, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382e, 1382g, and 1383); sec. 212, Pub. L. 93–66, 87 Stat. 155 (42 U.S.C. 1382 note); sec. 8(a), (b)(1)–(b)(3), Pub. L. 93–233, 87 Stat. 956 (7 U.S.C. 612c note, 1431 note and 42 U.S.C. 1382e note); secs. 1(a)–(c) and 2(a), 2(b)(1), 2(b)(2), Pub. L. 93–335, 88 Stat. 291 (42 U.S.C. 1382 note, 1382e note).

Subpart U—[Amended]

20. The authority citation for subpart U of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1106, 1631(d)(1), and 1634 of the Social Security Act (42 U.S.C. 902(a)(5), 1306, 1383(d)(1), and 1383c).

Subpart V—[Amended]

21. The authority citation for subpart V of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1615, and 1631(d)(1) and (e) of the Social Security Act (42 U.S.C. 902(a)(5), 1382d, and 1383(d)(1) and (e)); sec. 2344, Pub. L. 97–35, 95 Stat. 867 (42 U.S.C. 1382d note).

PART 422—ORGANIZATION AND PROCEDURES

1. The authority citation at the end of the table of contents is removed.

Subpart A—[Amended]

2. The authority citation for subpart A of part 422 is added after the heading and before the regulatory text for this subpart to read as follows:

Authority: Secs. 205, 218, 221, and 701–704 of the Social Security Act (42 U.S.C. 405, 418, 421, and 901–904).

Subpart B—[Amended]

3. The authority citation for subpart B of part 422 is revised to read as follows:

Authority: Secs. 205, 232, 702(a)(5), 1131, and 1143 of the Social Security Act (42 U.S.C. 405, 432, 902(a)(5), 1320b–1, and 1320b–13).

Subpart C—[Amended]

4. The authority citation for subpart C of part 422 is revised to read as follows:

Authority: Secs. 205, 221, and 702(a)(5) of the Social Security Act (42 U.S.C. 405, 421, and 902(a)(5)); 30 U.S.C. 923(b).

Subpart E—[Amended]

5. The authority citation for subpart E of part 422 is revised to read as follows:

Authority: Secs. 205(a), 702(a)(5), and 1106 of the Social Security Act (42 U.S.C. 405(a), 902(a)(5), and 1306); 5 U.S.C. 552 and 552a; 8 U.S.C. 1360; 26 U.S.C. 6103; 30 U.S.C. 923(b).

Subpart F—[Amended]

6. The authority citation for subpart F of part 422 is revised to read as follows:

Authority: Secs. 205 and 702(a)(5) of the Social Security Act (42 U.S.C. 405 and 902(a)(5)). Section 422.512 is also issued under 30 U.S.C. 901 *et seq.*

Subpart G—[Amended]

7. The authority citation for subpart G of part 422 is revised to read as follows:

Authority: 26 U.S.C. 9701–9708.

PART 423—SERVICE OF PROCESS

1. The authority citation for part 423 is revised to read as follows:

Authority: Sec. 701 and 702(a)(5) of the Social Security Act (42 U.S.C. 901 and 902(a)(5)).

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20 CFR Part 416

[Regulations No. 16]

RIN 0960–AD87

Supplemental Security Income for the Aged, Blind, and Disabled; Extension of Time Period for Not Counting as Resources, Funds Received for Repair or Replacement of Damaged or Destroyed Excluded Resources in the Supplemental Security Income Program

AGENCY: Social Security Administration.
ACTION: Final rules.

SUMMARY: In the past several years, portions of the United States have experienced natural disasters that have had unprecedented effects on supplemental security income (SSI) recipients. To provide us with the flexibility to deal with these and future occurrences, we are modifying our current regulations regarding the period of time that cash and in-kind items received for the repair or replacement of certain destroyed or damaged excluded resources would not count toward the resource limit.

EFFECTIVE DATE: These rules are effective February 15, 1996.

FOR FURTHER INFORMATION CONTACT: Regarding this Federal Register

document—Henry D. Lerner, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1762; regarding eligibility or filing for benefits—our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION: The regulations at § 416.1205(c) provide that SSI recipients can have no more than \$2,000 in countable resources and SSI couples can have no more than \$3,000. The regulations at § 416.1237 provide that assistance received under the Disaster Relief and Emergency Assistance Act or other assistance provided under a Federal statute because of a catastrophe which is declared to be a major disaster by the President of the United States or comparable assistance received from a State or local government, or from a disaster assistance organization, is excluded permanently under the SSI program in determining countable resources.

The regulations at § 416.1232 complement the disaster assistance exclusion by providing that cash or in-kind items for the repair or replacement of lost, stolen, or damaged excluded resources are not treated as resources for 9 months.

The regulations also provide for one extension for a reasonable period up to an additional 9 months for good cause if circumstances do not permit repair or replacement within the initial 9-month period and the individual intends to use the funds for repair or replacement.

Excluded resources generally include the individual's home, household goods and personal effects, and the automobile, as are described in §§ 416.1212, 416.1216 and 416.1218 respectively.

Private insurance payments do not qualify as disaster assistance and, therefore, cannot be permanently excluded from resources. For some SSI recipients affected by natural disasters, the maximum period of 18 months during which monies received to repair or replace excluded resources are not treated as resources will not be sufficient and some of these individuals will consequently lose SSI and Medicaid eligibility.

In the past several years, portions of the United States have experienced natural disasters that have had unprecedented effects on SSI recipients. In August 1992, Hurricane Andrew devastated south Florida causing damage estimated in excess of \$18 billion. Because of the extent of the devastation, SSI recipients in the area

were unable to use insurance payments to repair or replace their damaged property within the maximum 18-month period provided by regulations during which those payments would not be treated as resources. With the expiration of this period, the payments would have counted as resources for SSI purposes. On March 17, 1994 (59 FR 12544), we published interim final regulations with a request for comments which provided victims of Hurricane Andrew with an additional 12-month time period in which to repair or replace their property.

History has shown that current regulations generally provide a sufficient time period for individuals to repair or replace their excluded resources destroyed or damaged by natural disasters. However, in the event disasters of the magnitude of Hurricane Andrew occur, we wish to have the flexibility in regulations to extend the period that payments or in-kind assistance for the repair or replacement of affected excluded resources will not count as resources.

We are revising our regulations to provide us with the flexibility to provide individuals with additional time to repair or replace destroyed or damaged excluded resources when such disasters occur and certain other criteria are met. These regulations will extend the maximum 18-month period during which cash or in-kind replacement received from any source for purposes of repairing or replacing an excluded resource is not counted as a resource for up to an additional 12 months. This additional time period only applies in the case of Presidentially declared major disasters as long as the individual intends to repair or replace the property and good cause still exists.

These regulations were published in the Federal Register (60 FR 26387) as a notice of proposed rulemaking (NPRM) on May 17, 1995. Interested parties were given 60 days to submit comments. Public comments were received from two legal services organizations who were concerned about how the regulations would affect individuals who suffered losses in recent disasters. These comments raised an issue regarding how we will apply the additional 12-month extension. We address this issue by clarifying the scope of the regulation in the response below. With this clarification, we are adopting the regulations as proposed.

Comment: The additional 12-month extension for not counting certain funds as a resource under these regulations should apply to individuals for whom the original 18-month noncounting period (9 months and 9-month good