

The Air Line Pilots Association (ALPA), the Association of Flight Attendants (AFA), the Association of Professional Flight Attendants, the National Transportation Safety Board, an aircraft manufacturer, and the International Brotherhood of Teamsters Airline Division all expressed support for the possible rulemaking and declared an English language proficiency requirement to be essential for aviation safety. ALPA further suggested that flight attendants be required to communicate in the language of the flight's origin and destination. AFA added that the ability to understand a language does not assure an accompanying ability to communicate in that language, and requested that any rulemaking focus on communication, addressing problems with accents and speech impediments.

The FAA acknowledges these contributions to the rulemaking process, and we reaffirm our commitment to aviation safety regarding this issue by continuing to develop and implement training and qualification requirements for crewmembers. The FAA is currently developing a proposed rulemaking on the overall subject of Crewmember Qualification and Training that will encompass the issues of Notice No. 94-11.

#### Reason for Withdrawal

We are withdrawing Notice No. 94-11 because the flight attendant English language issue will be incorporated into a separate regulatory action currently being developed on the broader subject of Crewmember Qualification and Training. We believe that consolidating the flight attendant English language issue into the proposed training rulemaking will enable a more effective and efficient use of FAA resources, and the broader proposal will better serve the public interest.

#### Conclusion

Withdrawal of Notice No. 94-11 does not preclude the FAA from issuing another notice on the subject matter in the future or committing the agency to any future course of action. We will make any future necessary changes to the Code of Federal Regulations through an NPRM with opportunity for public comment.

The FAA has determined that this regulatory course of action is no longer necessary. Accordingly, the FAA withdraws Notice No. 94-11, published at 59 FR 18456 on April 18, 1994.

Issued in Washington, DC, on April 26, 2002.

**James Ballough,**

*Director, Flight Standards Service.*

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## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 416

**RIN 0960-AF43**

#### Access to Information Held by Financial Institutions

**AGENCY:** Social Security Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** We are proposing new rules to implement a law that will enhance our access to bank account information of Supplemental Security Income (SSI) applicants and beneficiaries and other individuals whose income and resources we consider as being available to the applicant or beneficiary.

**DATES:** To consider your comments, we must receive them no later than July 1, 2002.

**ADDRESSES:** You may give us your comments by using: our Internet site facility (*i.e.*, *Social Security Online*) at <http://www.ssa.gov/regulations/>, e-mail to [regulations@ssa.gov](mailto:regulations@ssa.gov), telefax to (410) 966-2830 or by sending a letter to the Commissioner of Social Security, PO Box 17703, Baltimore, Maryland 21235-7703. You may also deliver them to the Office of Process and Innovation Management, Social Security Administration, 2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments are posted on our Internet site, or you may inspect them on regular business days by making arrangements with the contact person shown in this preamble.

*Electronic Version:* The electronic file of this document is available on the date of publication in the **Federal Register** on the Internet site for the Government Printing Office: <http://www.access.gpo.gov/su-docs/aces/aces140.html>. It is also available on the Internet site for SSA (*i.e.*, *Social Security Online*): <http://www.ssa.gov/regulations/>. Electronic copies of public comments may also be found on this site.

#### FOR FURTHER INFORMATION CONTACT:

Georgia E. Myers, Regulations Officer, Office of Process and Innovation Management, 2109 West Low Rise Building, Social Security Administration, 6401 Security

Boulevard, Baltimore, MD 21235-6401, [regulations@ssa.gov](mailto:regulations@ssa.gov), (410) 965-3632 or TTY (410) 966-5609 for information about this rule. For information on eligibility or filing for benefits, call our national toll-free numbers, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet Web site, *Social Security Online*, at <http://www.ssa.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 1631(e)(1)(B) of the Social Security Act (the Act) requires the Commissioner to verify all relevant information provided regarding the eligibility of SSI applicants and beneficiaries. Section 213 of the Foster Care Independence Act of 1999, Public Law 106-169, amended section 1631(e)(1)(B) of the Act to grant the Commissioner new authority with respect to verifying financial accounts. Under section 213, the Commissioner may require each SSI applicant or beneficiary to provide us with permission to obtain any financial record (as defined in section 1101(2) of the Right to Financial Privacy Act) held by any financial institution (as defined in section 1101(1) of the Right to Financial Privacy Act) with respect to the applicant or beneficiary. This law also allows the Commissioner to require such permission from deemors (*i.e.* individuals whose income and resources we consider as being available to the applicant or beneficiary).

This law requires us to tell you, or any other person whose income and resources we consider as being available to you, how we will use the permission and how long the permission lasts. It also allows us to request the information from financial institutions without furnishing a copy of the permission to the financial institution. We may request the information from financial institutions at any time we think it is needed to determine your eligibility or payment amount. Requests under this provision are considered to meet the requirements of the Right to Financial Privacy Act regarding identification and description of the financial record(s) to be disclosed.

This law also allows us to deny your SSI eligibility or suspend your SSI eligibility if you, or any person whose income and resources we consider as being available to you, refuses to provide or cancels the permission.

#### Explanation of Proposed Changes

The Commissioner is exercising her authority under section 213 of the Foster Care Independence Act of 1999 by proposing new rules to make giving permission to contact financial

institutions a condition of SSI eligibility. Therefore, we propose to amend our regulations by adding a new section § 416.207 to explain that in order to receive SSI benefits, you must give us permission to contact any financial institution, and request any financial records the financial institution may have for you. The section further explains that the permission to contact financial institutions is required from anyone whose income and resources we consider as being available to you. This section also explains that the permission to contact financial institutions lasts until:

- (1) You cancel the permission in writing and provide the writing to us.
- (2) Anyone whose income and resources we consider as being available to you cancels their permission in writing and provides the writing to us.
- (3) Your application for SSI is denied, and the denial is final.
- (4) You are no longer eligible for SSI.

This section explains that we will ask financial institutions for this information when we think that it is necessary to determine SSI eligibility or payment amount. This section defines a financial institution as any bank, savings bank, credit card issuer, industrial loan company, trust company, savings association, building and loan, homestead association, credit union, consumer finance institution, or any other financial institution as defined in section 1101(1) of the Right to Financial Privacy Act. The section also defines a financial record as an original of, a copy of, or information known to have been derived from any record held by the financial institution pertaining to your relationship with the financial institution.

In addition, we propose to revise current § 416.200 to add the new section § 416.207 as a reference, to redesignate current § 416.1321 as § 416.1320, and to add a new section § 416.1321, Suspension for not giving us permission to contact financial institutions, to Subpart M as a reason for suspending SSI benefits.

## Regulatory Procedures

### Executive Order 12866

The Office of Management and Budget (OMB) has reviewed these proposed rules in accordance with Executive Order (E.O.) 12866.

### Clarity of these Proposed Rules

Executive Order 12866 requires each agency to write all rules in plain language. We invite your comments on how to make these proposed rules easier to understand. For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rules clearly stated?
- Do the rules contain technical language or jargon that isn't clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists or diagrams?
- What else could we do to make the rules easier to understand?

### Regulatory Flexibility Act

We certify that these proposed regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

### Paperwork Reduction Act

These proposed rules contain reporting requirements at § 416.207 and § 416.1321. The public reporting burden is accounted for in the Information Collection Requests for the various forms that the public uses to submit the information to SSA. Consequently, a 1-hour placeholder burden is being assigned to the specific reporting requirement(s) contained in these rules. We are seeking clearance of the burden referenced in these rules because the rules were not considered during the clearance of the forms. An Information Collection Request has been submitted to OMB. We are soliciting comments on the burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Comments should be submitted to the Social Security Administration at the following address:

Social Security Administration, Attn: SSA Reports Clearance Officer, Rm. 1-A-20 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235-6401.

Comments can be received for between 30 and 60 days after publication of this notice and will be most useful if received by SSA within 30 days of publication.

(Catalog of Federal Domestic Assistance Program Nos. 96-001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; and 96.006, Supplemental Security Income)

### Lists of Subjects in 20 CFR Part 416

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

Dated: January 28, 2002.

**Jo Anne B. Barnhart,**

*Commissioner of Social Security.*

For the reasons set out in the preamble, we propose to amend part 416, subparts B and M of Chapter III, Title 20 Code of Federal Regulations to read as follows:

## PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

### Subpart B—[Amended]

1. The authority citation for Subpart B of part 416 continues 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).

2. Revise the last sentence of § 416.200 to read as follows:

#### § 416.200 Introduction.

\* \* \* \* \*

You continue to be eligible unless you lose your eligibility because you no longer meet the basic requirements or because of one of the reasons given in §§ 416.207 through 416.216.

3. Add new § 416.207 under the undesignated center heading REASONS WHY YOU MAY NOT GET SSI BENEFITS FOR WHICH YOU ARE OTHERWISE ELIGIBLE, to read as follows:

#### § 416.207 You do not give us permission to contact financial institutions.

(a) To be eligible for SSI payments you must give SSA permission to contact any financial institution and request any financial records the financial institution may have about you. You must give us this permission when you apply for SSI payments or when we ask for it at a later time. You must also provide us with permission from anyone whose income and resources we consider as being available to you (see §§ 416.1160, 416.1202, 416.1203, and 416.1204).

(b) *Financial institution* means any:

- (1) Bank,

(2) Savings bank,  
 (3) Credit card issuer,  
 (4) Industrial loan company,  
 (5) Trust company,  
 (6) Savings association,  
 (7) Building and loan,  
 (8) Homestead association,  
 (9) Credit union,  
 (10) Consumer finance institution, or  
 (11) Any other financial institution as defined in section 1101(1) of the Right to Financial Privacy Act.

(c) *Financial record* means an original of, a copy of, or information known to have been derived from any record held by the financial institution pertaining to your relationship with the financial institution.

(d) We may ask any financial institution for information on any financial account concerning you. We may also ask for information on any financial accounts for anyone whose income and resources we consider as being available to you (*see* §§ 416.1160, 416.1202, 416.1203, and 416.1204).

(e) We ask financial institutions for this information when we think that it is necessary to determine your SSI eligibility or payment amount.

(f) Your permission to contact financial institutions, and the permission of anyone whose income and resources we consider as being available to you (*see* §§ 416.1160, 416.1202, 416.1203, and 416.1204), lasts until one of the following happens:

(1) You cancel your permission in writing and provide the writing to us.

(2) Anyone whose income and resources we consider as being available to you (*see* §§ 416.1160, 416.1202, 416.1203, and 416.1204) cancels their permission in writing and provides the writing to us.

(3) Your application for SSI is denied, and the denial is final. A denial is final when made, unless you appeal the denial timely as described in §§ 416.1400 through 416.1499.

(4) You are no longer eligible for SSI as described in §§ 416.1331 through 416.1335.

(g) If you don't give SSA permission to contact any financial institution and request any financial records about you when we think it is necessary to determine your SSI eligibility or payment amount, or if you cancel the permission, you cannot be eligible for SSI payments. Also, if anyone whose income and resources we consider as being available to you (*see* §§ 416.1160, 416.1202, 416.1203, and 416.1204) doesn't give SSA permission to contact any financial institution and request any financial records about that person when we think it is necessary to payment

amount, or if that person cancels the permission, you cannot be eligible for SSI payments. This means that if you are applying for SSI payments, you cannot receive them. If you are receiving SSI payments, we will stop your payments.

#### Subpart M—[Amended]

4. The authority citation for subpart M of part 416 continues 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).

5. Redesignate § 416.1321 as § 416.1320 and add new § 416.1321 to read as follows:

#### § 416.1321 Suspension for not giving us permission to contact financial institutions.

(a) If you don't give us permission to contact any financial institution and request any financial records about you when we think it is necessary to determine your SSI eligibility or payment amount, or if you cancel the permission, you cannot be eligible for SSI payments (*see* § 416.207) and we will stop your payments. Also, if anyone whose income and resources we consider as being available to you (*see* §§ 416.1160, 416.1202, 416.1203 and 416.1204) doesn't give us permission to contact any financial institution and request any financial records about that person when we think it is necessary to determine your SSI eligibility or payment amount, or that person cancels the permission, you cannot be eligible for SSI payments and we will stop your payments.

(b) We will suspend your payments starting with the month after the month in which we notify you in writing that:

(1) You failed to give us permission to contact any financial institution and request any financial records about you, or

(2) The person(s) whose income and resources we consider as being available to you failed to give us such permission.

(c) If you are otherwise eligible, we will start your benefits in the month following the month in which:

(1) You give us permission to contact any financial institution and request any financial records about you, or

(2) The person(s) whose income and resources we consider as being available to you gives us such permission.

6. Revise references from “§ 416.1321” to read “§ 416.1320” in the following sections:

- a. § 416.421(a);
- b. § 416.640(e)(5)(iii);
- c. § 416.1231(b)(9);
- d. § 416.1242(d);

- e. § 416.1245(b)(5);
- f. § 416.1247(b);
- g. § 416.1335;
- h. § 416.1337(b)(3)(ii);
- i. § 416.1618(d)(3)(i);
- j. § 416.1618(d)(3)(ii); and
- k. § 416.1618(d)(3)(iv).

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD05–02–013]

RIN 2115–AE46

#### Special Local Regulations for Marine Events; Nanticoke River, Sharptown, MD

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish temporary special local regulations for the Sharptown Outboard Regatta, a marine event to be held on the waters of the Nanticoke River, near Sharptown, Maryland on June 29 and 30, 2002. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Nanticoke River during the event.

**DATES:** Comments and related material must reach the Coast Guard on or before June 3, 2002.

**ADDRESSES:** You may mail comments and related material to Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398–6203. The Operations Oversight Branch, Auxiliary and Recreational Boating Safety Section, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** S.L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Section, at (757) 398–6204.