

Issued in Washington, DC, on June 11, 1996.
 Harold W. Becker,
*Acting Program Director for Air Traffic
 Airspace Management.*
 [FR Doc. 96-15635 Filed 6-18-96; 8:45 am]
 BILLING CODE 4910-13-P

14 CFR Part 73

[Airspace Docket No. 96-ASO-8]

Change in Using Agency for Restricted Area R-2905A and R-2905B, Tyndall AFB, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action changes the using agency for Restricted Area 2905A (R-2905A) and R-2905B, Tyndall Air Force Base (AFB), FL, from "Air Defense Weapons Center, Tyndall AFB, FL" to "325 Fighter Wing (FW), Tyndall AFB, FL."

EFFECTIVE DATE: 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to 14 CFR part 73 changes the using agency for R-2905A and R-2905B, Tyndall AFB, FL, from "Air Defense Weapons Center, Tyndall AFB, FL" to "325 FW, Tyndall AFB, FL." This is an administrative change to reflect a reorganization of responsibilities within the United States Air Force. There are no changes to the boundaries, designated altitudes, times of designation, or activities conducted within the affected restricted areas. Because this action is a minor technical amendment in which the public would not be particularly interested, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Section 73.29 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8C dated June 29, 1995.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This action changes the using agency of the affected restricted areas. There are no changes to the boundaries, designated altitudes, times of designation, or activities conducted within these restricted areas. Further, this action will not require any changes to existing air traffic procedures. Accordingly, this action is not subject to environmental assessments and procedures as set forth in FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts."

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

§ 73.29 [Amended]

2. R-2905A Tyndall AFB, FL [Amended]

By removing "Using agency. Air Defense Weapons Center, Tyndall AFB, FL" and substituting the following:
 "Using agency. 325 FW, Tyndall AFB, FL."

3. R-2905B Tyndall AFB, FL [Amended]

By removing "Using agency. Air Defense Weapons Center, Tyndall AFB, FL" and substituting the following:
 "Using agency. 325 FW, Tyndall AFB, FL."

Issued in Washington, DC, on June 11, 1996.
 Harold W. Becker,
*Acting Program Director for Air Traffic,
 Airspace Management.*
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SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Regulations Nos. 4 and 16]

RIN 0960-AD39

Payment for Vocational Rehabilitation Services Furnished Individuals During Certain Months of Nonpayment of Supplemental Security Income Benefits

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: We are amending our regulations relating to payment for vocational rehabilitation (VR) services provided to recipients of supplemental security income (SSI) benefit payments based on disability or blindness under title XVI of the Social Security Act (the Act). These regulations reflect section 5037 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990). Section 5037 of OBRA 1990 added section 1615(e) to the Act which authorizes the Commissioner of Social Security (the Commissioner) to pay a State VR agency for costs incurred in furnishing VR services to an individual during certain months for which the individual did not receive SSI payments based on disability or blindness as well as during months for which the individual did receive such payments. We also are amending our regulations on VR payments to clarify certain rules and remove some outdated rules.

EFFECTIVE DATE: These regulations are effective June 19, 1996.

FOR FURTHER INFORMATION CONTACT: Regarding this Federal Register document—Richard M. Bresnick, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1758; regarding eligibility or filing for benefits—our national toll-free number, 1-800-772-1213.

SUPPLEMENTARY INFORMATION: We are amending our regulations on payment for VR services provided to individuals receiving SSI benefits based on disability or blindness. These amended regulations reflect section 5037 of OBRA 1990, Public Law (Pub. L.) 101-508, which added paragraph (e) to section 1615 of the Act. Our existing regulations concerning payment for such services carry out the provisions of section 1615(d) of the Act.

In general, section 1615(d) of the Act authorizes the Commissioner to reimburse a State VR agency for the costs incurred in providing VR services

to individuals receiving SSI benefits under title XVI of the Act based on disability or blindness in three categories of cases. Specifically, section 1615(d) permits payment for VR services furnished to such individuals only in cases where: (1) The furnishing of such services results in the individual's performance of substantial gainful activity (SGA) for a continuous period of nine months; (2) the individual is continuing to receive benefits, despite his or her medical recovery, under section 1631(a)(6) of the Act because of his or her participation in a VR program; or (3) the individual, without good cause, refuses to continue to accept VR services or fails to cooperate in such a manner as to preclude his or her successful rehabilitation. (In such a case of refusal to continue or cooperate in a VR program, payments are authorized only for the VR services provided prior to the cessation of VR participation. If the individual resumes participation, then payments are authorized for the VR services provided after participation is resumed only if all requirements for payment are met.) These cases are described in sections 1615(d) (1), (2) and (3) of the Act, respectively, and in §§ 416.2211–416.2213 of our regulations.

Under section 1615(d) of the Act, payment may be made for VR services furnished by a State VR agency, i.e., an agency administering a State plan for VR services approved under title I of the Rehabilitation Act of 1973, as amended. However, in the case of a State which is unwilling to participate or does not have such a plan for VR services, our regulation at § 416.2204 provides that we may arrange for VR services for an SSI recipient who is disabled or blind through an alternative VR service provider (alternate participant) and pay such provider for the costs of services under the same terms and conditions that apply to State VR agencies. This regulation is based in part on section 222(d)(2) of the Act, which provides for the use of alternate participants in the VR payment program under title II of the Act (relating to the rehabilitation of Social Security disability beneficiaries), and on the authority provided to the Commissioner under section 1633(a) of the Act to make such administrative and other arrangements as may be necessary or appropriate to carry out title XVI of the Act, including making arrangements under title XVI in the same manner as they are made under title II.

Prior to the enactment of OBRA 1990, SSA was authorized to pay a State VR agency under section 1615(d) of the Act only for VR services that were provided

to an individual during months for which the individual received SSI benefits based on disability or blindness, including benefits payable under section 1611 or 1619(a) of the Act or, for cases under section 1615(d)(2), discussed above, continued payment of such benefits under section 1631(a)(6) of the Act. This is reflected in our existing regulations at §§ 416.2201, 416.2203 and 416.2215(a)(2).

Section 5037 of OBRA 1990 added section 1615(e) to the Act to provide us the authority to pay a State VR agency under section 1615(d) for the costs described in that section that are incurred in providing VR services to an individual during certain months for which the individual was not receiving SSI benefits based on disability or blindness as well as during months for which the individual was receiving such benefits. Under section 1615(e) of the Act, payment may be made for VR services in a case described in section 1615(d)(1), (2) or (3) of the Act which are provided to an individual in a month for which the individual receives, i.e., is eligible for—

- SSI cash benefits under section 1611 or special SSI cash benefits under section 1619(a) of the Act (this is the same as under prior law);
- A special status for Medicaid under section 1619(b) of the Act; or
- A federally administered State supplementary payment under section 1616 of the Act or section 212(b) of Pub. L. 93–66.

In addition, section 1615(e) of the Act permits payment for VR services provided in a month for which an individual was ineligible for the benefits or special status described above for a reason other than cessation of disability or blindness, if such month occurred prior to the 13th consecutive month of such ineligibility following a month for which the individual was eligible for such benefits or special status. This means that payment may be made for VR services furnished during a month for which an individual's benefit payment or special status for Medicaid under section 1619(b) was suspended.

Section 1615(e) of the Act became effective November 5, 1990, the date of the enactment of OBRA 1990, and applies to claims for reimbursement pending on or after that date. This amendment to the Act, which allows us to reimburse a State VR agency or alternate participant for VR services furnished during certain months for which an individual was not receiving SSI benefits, responds to a recommendation in the March 1988 Report of the Disability Advisory Council that the Congress amend the

Act to permit SSA to pay for VR services provided in months when an individual is in suspension status.

Changes to the VR Payment Regulations

These final rules amend the existing regulations concerning the SSI VR payment program under title XVI of the Act to take account of the provisions of section 1615(e) of the Act which permit payment for VR services furnished during certain months for which a disabled or blind individual does not receive SSI benefits. These rules also make some other changes in the existing VR payment regulations to clarify certain rules and delete some obsolete rules. These changes affect the regulations governing the Social Security VR payment program under title II of the Act as well as the regulations concerning the SSI VR payment program under title XVI. The existing Social Security VR payment regulations carry out section 222(d) of the Act which contains provisions that are similar to the provisions of section 1615(d) of the Act, except that they apply to payment for VR services provided to individuals entitled to Social Security benefits based on disability under title II.

Changes to the Regulations to Implement Section 1615(e) of the Act

We are amending § 416.2201 to explain that, in general, sections 1615(d) and (e) of the Act authorize payment for costs of VR services provided to certain disabled or blind individuals who are eligible for SSI benefits, special SSI eligibility status, or federally administered State supplementary payments. In the amendment to § 416.2201, we also explain that for the purpose of the SSI VR payment regulations, we refer to SSI benefits, special SSI eligibility status, or federally administered State supplementary payments as “disability or blindness benefits.” Additionally, we are adding a corresponding definition of “disability or blindness benefits” for this purpose in § 416.2203, discussed below.

The amendment to § 416.2201 further explains that, subject to the other requirements and conditions for payment prescribed in the regulations, payment may be made for VR services which are furnished during a month(s) for which an individual is eligible for disability or blindness benefits or continues to receive such benefits under section 1631(a)(6) of the Act, or which are furnished during a month(s) for which the individual's disability or blindness benefits are suspended. This rule also is reflected in the revised § 416.2215, discussed below.

In § 416.2203, “*Definitions*,” we are deleting the paragraph defining “eligible,” which discusses eligibility for SSI benefits only, and adding a new paragraph to explain the meaning of “disability or blindness benefits” when used in the SSI VR payment regulations. These final rules provide that “disability or blindness benefits,” as defined for the SSI VR payment regulations only, refer to regular SSI benefits under section 1611 of the Act, special SSI cash benefits under section 1619(a) of the Act, special SSI eligibility status under section 1619(b) of the Act, and/or a federally administered State supplementary payment under section 1616 of the Act or section 212(b) of Pub. L. 93–66, for which an individual is eligible based on disability or blindness, as appropriate. Thus, in these final VR payment regulations, when we use the terms “disability or blindness benefits” with reference to the SSI program, we mean the benefits, status, or payments referred to in section 1615(e) of the Act. As used in this preamble, “disability or blindness benefits” has the same meaning as in the final rules. Further, in § 416.2203, we are defining the phrase “special SSI eligibility status” to refer to the special status for Medicaid under section 1619(b) of the Act since this is the phrase we use to describe the special status in our other SSI regulations, e.g., §§ 416.260 and 416.264.

We are also amending several sections of the SSI VR payment regulations to replace phrases such as “disability or blindness payment” with the phrase “disability or blindness benefits” and to substitute the term “benefits” for “payment” or “payments” as the context requires. We are making these changes to §§ 416.2201(b), 416.2209 (b) and (c), 416.2212, 416.2213(c), 416.2215 (a) and (b), and 416.2216(c)(2).

Section 416.2215(a) of our existing regulations provides that in order for the State VR agency or alternate participant to be paid, the VR services must have been provided—(1) after September 30, 1981; (2) during months the individual is eligible for SSI disability or blindness payments; and (3) before completion of a continuous 9-month period of SGA. We are revising paragraph (a)(2) of § 416.2215 to provide that to be payable, the VR services must have been provided during a month or months for which—(i) the individual is eligible for disability or blindness benefits or continues to receive such benefits under section 1631(a)(6) of the Act; or (ii) the disability or blindness benefits of the individual are suspended due to his or her ineligibility for the benefits. We are also revising paragraph (a)(3) of

§ 416.2215 to provide that the VR services must have been provided prior to the completion of a continuous 9-month period of SGA or termination of disability or blindness benefits, whichever occurs first.

The revisions to § 416.2215 (a)(2) and (a)(3) provide cross-references to the regulations in Subpart M of 20 CFR Part 416 which contain our rules on suspension and termination of benefits under the SSI program. In general, these regulations provide that unless a termination of an individual's eligibility for benefits is required, an individual's benefits will be suspended for any month for which the individual no longer meets the requirements for eligibility for benefits under the SSI program. Termination of eligibility is required when benefits have been suspended for a period of 12 consecutive months, i.e., the individual remains ineligible for SSI benefits, special status for Medicaid, and/or federally administered State supplementary payments for a continuous 12-month period. Eligibility for SSI benefits based on disability or blindness also terminates if the individual's disability or blindness ceases, unless the individual is participating in an approved VR program and the other requirements for the continuation of benefits under section 1631(a)(6) of the Act are met.

The revisions to §§ 416.2215 (a)(2) and (a)(3) are consistent with the provisions of sections 1615 (d) and (e) of the Act. They permit payment for VR services which are provided either during a month(s) for which an individual is eligible for disability or blindness benefits, including the continuation of such benefits under section 1631(a)(6) of the Act, or during a month(s) for which the individual is ineligible for disability or blindness benefits, for a reason other than cessation of disability or blindness, if such month(s) occurs prior to the 13th consecutive month of such ineligibility, i.e., a month(s) for which benefits are suspended but not terminated.

We are also amending the introductory paragraph of § 416.2217 to add a reference to section 1615(e) of the Act. In addition, we are changing the regulations governing the Social Security VR payment program under title II of the Act to reflect the expanded scope of the SSI VR payment program under title XVI resulting from section 1615(e) of the Act. We are amending § 404.2115(b) of the title II regulations to explain that if VR services are provided to an individual who is entitled to title II disability benefits and who also is or has been receiving disability or

blindness benefits under the SSI program, the determination as to when VR services must have been provided may be made under either § 404.2115 or § 416.2215, whichever is advantageous to the State VR agency or alternate participant that is participating in both VR programs.

Other Changes to the VR Payment Regulations

In addition to the changes to the regulations discussed above, we are amending the Social Security and SSI VR payment regulations to clarify certain rules relating to payment for VR services provided to an individual in a case where the individual, without good cause, refuses to continue or cooperate in a VR program. Additionally, we are deleting some obsolete rules relating to the time periods within which claims for payment for VR services must be filed. Further, we are making a few other nonsubstantive changes to certain provisions of the regulations affected by the changes described above.

We are amending §§ 404.2113(c) and 416.2213(c) to indicate that if deductions are imposed against an individual's Social Security disability benefits because of VR refusal, or if an individual's disability or blindness benefits under the SSI program are suspended because of VR refusal, the services for which payment may be made in such a case are those VR services which were provided to the individual prior to his or her VR refusal. If the individual thereafter resumes participation in a VR program and again receives VR services, payment may be made for those services only if the criteria for payment in § 404.2113 or § 416.2213 are again met, or if the services qualify for payment under one of the other provisions of the regulations permitting payment, i.e., §§ 404.2111, 404.2112, 416.2211, or 416.2212.

We are also deleting the parenthetical phrase “(suspension of benefits in cases described in § 404.2113)” in existing § 404.2115(a)(3). This change is appropriate since under section 222(b) of the Act and § 404.422 of the title II regulations, a determination by us that a Social Security disability beneficiary has refused, without good cause, to accept VR services available to the individual results in our imposing deductions against Social Security benefits, rather than suspending benefits. This is reflected in existing §§ 404.2109(c) and 404.2113(c). To be consistent with these sections, we are amending § 404.2116(c)(2) to clarify that a beneficiary's VR refusal results in deductions against Social Security

disability benefits, rather than a suspension of benefits.

Existing §§ 404.2116 (b)(2) and (c)(2) and 416.2216 (b)(2) and (c)(2) contain provisions which provide for the filing of claims for payment for VR services in certain cases within 12 months after the month of the initial publication of these sections in the Federal Register, 55 FR 8449 (March 8, 1990). This 12-month period ended March 31, 1991, the close of the 12th month following the month of publication in the Federal Register. Since this time period for filing a claim is no longer in effect, we are deleting these provisions from the regulations.

We are amending §§ 404.2116(c)(2) and 416.2216(c)(2) to clarify that the other 12-month period described in these sections for filing a claim for payment in the case of an individual's VR refusal begins after the first month for which deductions are imposed against Social Security disability benefits, or after the first month for which disability or blindness benefits under the SSI program are suspended, because of such VR refusal.

On September 11, 1995, we published these final rules as proposed rules in the Federal Register at 60 FR 47126 with a 60-day comment period. We received comments from two sources, but one commenter simply stated factually that the proposed regulations would amend certain regulatory provisions. This commenter offered no further comment or opinion about the nature or effect of the proposed regulations. The other commenter generally was supportive of the proposed rules, but did suggest a better description of the issues and a short explanation of the statutory requirements. In the absence of other comments, we believe the explanation of the proposed rules as published is adequate. Therefore, we are publishing the final rules essentially unchanged from the proposed rules.

Regulatory Procedures

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), as amended by section 102 of Pub. L. 103-296, 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 in 5 U.S.C. 553(d) that a substantive rule will be published at least 30 days before its effective date, with certain exceptions. We find good cause for dispensing with the 30-day delay in the effective date of this rule, as provided for by 5 U.S.C. 553(d)(3). As explained above, we are amending our regulations to reflect current provisions of the law. It would be contrary to the public interest to

delay making our regulations consistent with current law. Therefore, we find that it is in the public interest to make this rule effective upon publication.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they were not subject to OMB review.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

These final regulations carry out section 1615(e) of the Act which allows payment for VR services under section 1615(d) of the Act provided during certain months for which an individual does not receive SSI benefits based on disability or blindness. They apply to States and certain alternate providers of VR services which are willing to provide services to disabled or blind SSI recipients, or Social Security disability beneficiaries, under our VR payment programs under the conditions specified in the regulations.

Paperwork Reduction Act

These final regulations impose no additional reporting or recordkeeping requirements subject to clearance by OMB.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.006, Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Blind, 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.

Dated: June 4, 1996.
Shirley S. Chater,
Commissioner of Social Security.

For the reasons set out in the preamble, we are amending subpart V of

part 404 and subpart V of part 416 of 20 CFR chapter III as follows:

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

Subpart V—[Amended]

1. The authority citation for subpart V of part 404 continues 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)).

2. Section 404.2113 is amended by revising the last sentence of paragraph (c) to read as follows:

§ 404.2113 Payment for VR services in a case of VR refusal.

* * * * *

(c) * * * A State VR agency or alternate participant may be paid, subject to the provisions of this subpart, for the costs of VR services provided to an individual prior to his or her VR refusal if deductions have been imposed against the individual's monthly disability benefits for a month(s) after October 1984 because of such VR refusal.

3. Section 404.2115 is amended by revising paragraphs (a)(3) and (b) to read as follows:

§ 404.2115 When services must have been provided.

(a) * * *

(3) Before completion of a continuous 9-month period of SGA or termination of entitlement to disability benefits, whichever occurs first.

(b) If an individual who is entitled to disability benefits under this part also is or has been receiving disability or blindness benefits under part 416 of this chapter, the determination as to when services must have been provided may be made under this section or § 416.2215 of this chapter, whichever is advantageous to the State VR agency or alternate participant that is participating in both VR programs.

4. Section 404.2116 is amended by revising paragraphs (b)(2) and (c)(2) to read as follows:

§ 404.2116 When claims for payment for VR services must be made (filing deadlines).

* * * * *

(b) * * *

(2) If no written notice was sent to the State VR agency or alternate participant, a claim must be filed within 12 months after the month in which VR services end.

(c) * * *

(2) If no written notice was sent to the State VR agency or alternate participant,

a claim must be filed within 12 months after the first month for which deductions are imposed against disability benefits because of such VR refusal.

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

Subpart V—[Amended]

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

Authority: Secs. 702(a)(5), 1615, 1631(d)(1) and (e), and 1633(a) of the Social Security Act (42 U.S.C. 902(a)(5), 1382d, 1383(d)(1) and (e), and 1683b(a)).

6. Section 416.2201 is amended by revising the introductory text and paragraph (b) to read as follows:

§ 416.2201 General.

In general, sections 1615 (d) and (e) of the Social Security Act (the Act) authorize payment from the general fund for the reasonable and necessary costs of vocational rehabilitation (VR) services provided certain disabled or blind individuals who are eligible for supplemental security income (SSI) benefits, special SSI eligibility status, or federally administered State supplementary payments. In this subpart, such benefits, status, or payments are referred to as disability or blindness benefits (see § 416.2203). Subject to the provisions of this subpart, payment may be made for VR services provided an individual during a month(s) for which the individual is eligible for disability or blindness benefits, including the continuation of such benefits under section 1631(a)(6) of the Act, or for which the individual's disability or blindness benefits are suspended (see § 416.2215). Paragraphs (a), (b) and (c) of this section describe the cases in which the State VR agencies and alternate participants can be paid for the VR services provided such an individual under this subpart. The purpose of sections 1615 (d) and (e) of the Act is to make VR services more readily available to disabled or blind individuals, help State VR agencies and alternate participants to recover some of their costs in VR refusal situations, as described in § 416.2213, and ensure that savings accrue to the general fund. Payment will be made for VR services provided on behalf of such an individual in cases where—

* * * * *

(b) The individual continues to receive disability or blindness benefits, even though his or her disability or blindness has ceased, under section 1631(a)(6) of the Act because of his or

her continued participation in an approved VR program which we have determined will increase the likelihood that he or she will not return to the disability or blindness rolls (see § 416.2212); or

* * * * *

7. Section 416.2203 is amended by removing the definition of "Eligible" and adding 2 new definitions in alphabetical order to read as follows:

§ 416.2203 Definitions.

* * * * *

Disability or blindness benefits, as defined for this subpart only, refers to regular SSI benefits under section 1611 of the Act (see § 416.202), special SSI cash benefits under section 1619(a) of the Act (see § 416.261), special SSI eligibility status under section 1619(b) of the Act (see § 416.264), and/or a federally administered State supplementary payment under section 1616 of the Act or section 212(b) of Public Law 93-66 (see § 416.2001), for which an individual is eligible based on disability or blindness, as appropriate.

* * * * *

Special SSI eligibility status refers to the special status described in §§ 416.264 through 416.269 relating to eligibility for Medicaid.

* * * * *

§ 416.2209 [Amended]

8. Section 416.2209 is amended in paragraph (b) by removing "payments" and adding "benefits" in its place and in paragraph (c) by removing "payment" and adding "benefits" in its place.

9. Section 416.2212 is amended by revising the section heading and the first and second sentences to read as follows:

§ 416.2212 Payment for VR services in a case where an individual continues to receive disability or blindness benefits based on participation in an approved VR program.

Section 1631(a)(6) of the Act contains the criteria we will use in determining if an individual whose disability or blindness has ceased should continue to receive disability or blindness benefits because of his or her continued participation in an approved VR program. A VR agency or alternate participant can be paid for the cost of VR services provided to an individual if the individual was receiving benefits based on this provision in a month(s) after October 1984 or, in the case of a blindness recipient, in a month(s) after March 1988. * * *

10. Section 416.2213 is amended by revising the last sentence of paragraph (c) to read as follows:

§ 416.2213 Payment for VR services in a case of VR refusal.

* * * * *

(c) * * * A State VR agency or alternate participant may be paid, subject to the provisions of this subpart, for the costs of VR services provided to an individual prior to his or her VR refusal if the individual's disability or blindness benefits have been suspended for a month(s) after October 1984 because of such VR refusal.

11. Section 416.2215 is revised to read as follows:

§ 416.2215 When services must have been provided.

(a) In order for the VR agency or alternate participant to be paid, the services must have been provided—

(1) After September 30, 1981;

(2) During a month(s) for which—

(i) The individual is eligible for disability or blindness benefits or continues to receive such benefits under section 1631(a)(6) of the Act (see § 416.2212); or

(ii) The disability or blindness benefits of the individual are suspended due to his or her ineligibility for the benefits (see subpart M of this part concerning suspension for ineligibility); and

(3) Before completion of a continuous 9-month period of SGA or termination of disability or blindness benefits, whichever occurs first (see subpart M of this part concerning termination of benefits).

(b) If an individual who is receiving disability or blindness benefits under this part, or whose benefits under this part are suspended, also is entitled to disability benefits under part 404 of this chapter, the determination as to when services must have been provided may be made under this section or § 404.2115 of this chapter, whichever is advantageous to the State VR agency or alternate participant that is participating in both VR programs.

12. Section 416.2216 is amended by revising paragraphs (b)(2) and (c)(2) to read as follows:

§ 416.2216 When claims for payment for VR services must be made (filing deadlines).

* * * * *

(b) * * *

(2) If no written notice was sent to the State VR agency or alternate participant, a claim must be filed within 12 months after the month in which VR services end.

(c) * * *

(2) If no written notice was sent to the State VR agency or alternate participant, a claim must be filed within 12 months

after the first month for which disability or blindness benefits are suspended because of such VR refusal.

§ 416.2217 [Amended]

13. Section 416.2217 is amended in the introductory text of the section by adding "and (e)" after "section 1615(d)."

[FR Doc. 96-15407 Filed 6-18-96; 8:45 am]

BILLING CODE 4190-29-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Neomycin Sulfate Soluble Powder

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Wade Jones Co., Inc. The ANADA provides for the use of a generic neomycin sulfate soluble powder in drinking water and milk for cattle (excluding veal calves), swine, sheep, and goats for the treatment and control of colibacillosis.

EFFECTIVE DATE: June 19, 1996.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1643.

SUPPLEMENTARY INFORMATION: Wade Jones Co., Inc., Hwy. 71 North, Lowell, AK 72745, filed ANADA 200-130, which provides for the use of neomycin sulfate soluble powder in drinking water and milk for cattle (excluding veal calves), swine, sheep, and goats for the treatment and control of colibacillosis (bacterial enteritis) caused by *Escherichia coli* susceptible to neomycin sulfate. ANADA 200-130 is approved as a generic copy of the Upjohn Co.'s NADA 11-315. The ANADA is approved as of May 8, 1996, and the regulations are amended in 21 CFR 520.1484(b) and (c)(3) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of

safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 520.1484 is amended by revising paragraph (b) and the last sentence of paragraph (c)(3) to read as follows:

§ 520.1484 Neomycin sulfate soluble powder.

* * * * *

(b) *Sponsors.* See Nos. 000009, 000069, 047864, 050604, and 059130 in § 510.600(c) of this chapter.

(c) * * *

(3) * * * Discontinue treatment prior to slaughter as follows: For sponsors 000009, 000069, 047864, and 050604—cattle (not for use in veal calves), 1 day; sheep, 2 days; swine and goats, 3 days.

Dated: June 10, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96-15466 Filed 6-18-96; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Oxytetracycline Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the

animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Pennfield Oil Co. The ANADA provides for the use of a generic oxytetracycline injection for beef cattle, non-lactating dairy cattle, and swine.

EFFECTIVE DATE: June 19, 1996.

FOR FURTHER INFORMATION CONTACT:

Melanie R. Berson, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1643.

SUPPLEMENTARY INFORMATION: Pennfield Oil Co., 14040 Industrial Rd., Omaha, NE 68137, filed ANADA 200-154, which provides for use of 200 milligram per milliliter (mg/mL) oxytetracycline injection for intramuscular and intravenous use in beef cattle and non-lactating dairy cattle and intramuscular use in swine for control or treatment of diseases caused by oxytetracycline susceptible diseases. The drug is used in beef cattle and non-lactating dairy cattle for treatment of pneumonia and shipping fever complex associated with *Pasteurella* spp. and *Hemophilus* spp.; infectious bovine keratoconjunctivitis (pinkeye) caused by *Moraxella bovis*; foot rot and diphtheria caused by *Fusobacterium necrophorum*; bacterial enteritis (scours) caused by *Escherichia coli*; wooden tongue caused by *Actinobacillus lignieresii*; leptospirosis caused by *Leptospira pomona*; and wound infections and metritis caused by strains of staphylococci and streptococci organisms sensitive to oxytetracycline. The drug is used in swine for the treatment of bacterial enteritis (scours, colibacillosis) caused by *E. coli*; pneumonia caused by *P. multocida*; and leptospirosis caused by *L. pomona*; and in sows as an aid in the control of infectious enteritis (baby pig scours, colibacillosis) in suckling pigs caused by *E. coli*.

ANADA 200-154 for Pennfield Oil Co.'s oxytetracycline injection is approved as a generic copy of Pfizer's NADA 113-232 Liquamycin® LA-200 (oxytetracycline) Injection. The ANADA is approved as of May 8, 1996, and the regulations are amended in 21 CFR 522.1660 to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr.,