

expenditures recommended by the Committee for the 1996–97 fiscal period include \$84,500 for personnel and administrative expenses, \$115,500 for compliance, \$64,000 for a melon disease management program, \$33,125 for breeding and variety development, and \$10,875 for melon variety evaluation. Budgeted expenses for these items in 1995–96 were \$95,544, \$139,500, \$86,716, \$32,674, and \$10,875, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of South Texas melons. Melon shipments for the year are estimated at 3,870,000 cartons, which should provide \$270,900 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

An interim final rule regarding this action was published in the February 20, 1997, issue of the **Federal Register** (62 FR 7659). That rule provided a 30-day comment period. No comments were received.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The

Committee's 1996–97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996–97 fiscal period began on October 1, 1996, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable melons handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) an interim final rule was published on this action and provided for a 30-day comment period; no comments were received.

List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

PART 979—MELONS GROWN IN SOUTH TEXAS

Accordingly, the interim final rule amending 7 CFR part 979 which was published at 62 FR 7659 on February 20, 1997, is adopted as a final rule without change.

Dated: June 2, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97-14877 Filed 6-5-97; 8:45 am]

BILLING CODE 3410-02-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

RIN 0960-AD89

Supplemental Security Income for the Aged, Blind, and Disabled; Technical Changes to Title XVI

AGENCY: Social Security Administration.

ACTION: Final rules.

SUMMARY: We are amending the supplemental security income (SSI)

regulations by making technical changes to our rules on income and resources. These technical changes update lists of exclusions from income and resources under the SSI program that are in statutes other than the Social Security Act (the Act) and make an additional technical correction. We are also reflecting a statutory provision from the Social Security Independence and Program Improvements Act (SSIIPIA) of 1994 concerning optional State supplementary payments.

EFFECTIVE DATE: July 7, 1997.

FOR FURTHER INFORMATION CONTACT:

Suzanne DiMarino, 3-A-3 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1769.

SUPPLEMENTARY INFORMATION: In these final regulations we are making technical changes to the SSI regulations as follows: Updating the appendix at the end of subpart K which lists exclusions from income in statutes other than the Act; updating the lists of statutory exclusions from resources contained in subpart L; and making a technical correction in subpart L for conformity with prior regulatory changes. In addition, we are reflecting, in subpart T, a statutory provision which explains that some States which have Federal administration of their optional supplementary payments may elect to exclude for pass-along compliance purposes certain payments made as a result of the *Sullivan v. Zebley*, 493 U.S. 521 (1990) class action. The changes and added provision are described below.

Subpart K, Appendix, Changes

At the end of part 416, subpart K, we maintain an appendix which lists types of income excluded under the SSI program as provided by Federal laws other than the Act. We update this list periodically. However, we apply the law in effect due to changes to Federal statutes whether or not the list in the appendix has been amended to reflect the statutory changes. We are revising the appendix to subpart K as follows:

1. Under the heading *IV. Native Americans*, we are updating the list to reflect the exclusion from income for SSI purposes of additional payments, funds, distributions, and other income provided by Federal laws that affect Alaskan Natives and other Indian entities. As appropriate, we include a Note—regarding our treatment of the income under the deeming of income from sponsors to aliens provisions.

We are adding 22 types of payments made to Native American entities to the list of income exclusions provided by Federal statutes. We also are making

some minor clarifications, such as correcting statutory citations or renumbering, for some of the exclusions already listed in section IV.

We are dividing the list of Native American exclusions into three subsections for ease of reference. The first group, in paragraph (a), lists types of payments that are excluded from income without regard to specific tribes or Indian groups. These include payments of certain Indian judgment funds; per capita distributions of all funds held in trust by the Secretary of the Interior; payments excluded pursuant to the Alaska Native Claims Settlement Act; and payments up to \$2,000 each year received by certain Native Americans that are derived from individual interests in trust or restricted lands. Only the latter exclusion, which was provided by the Omnibus Budget Reconciliation Act of 1993, Public Law (Pub. L.) 103-66, is being added to the appendix. The other three were in the appendix, but will be renumbered and grouped together.

The second group, in paragraph (b), of Native American exclusions lists certain payments to members of specific Native American tribes or groups. We are adding 21 payments to this group, and renumbering the exclusions already in the appendix, so that the list will be in chronological order by public law.

The third group of exclusions, in paragraph (c), lists receipts from land held in trust for specific tribes or groups. We are not adding any exclusions to that list, but are renumbering them.

2. Under the heading *V. Other* we are adding new paragraph (f) which excludes from income child care or reimbursement for child care as provided under the Child Care and Development Block Grant Act, as amended by section 8(b) of Public Law 102-586. We are also adding a new paragraph (g) to reflect the exclusion from income of payments made to individuals because of their status as victims of Nazi persecution pursuant to section 1(a) of the Victims of Nazi Persecution Act of 1994, Public Law 103-286.

Subpart L Changes

We are updating § 416.1236(a), *Exclusions from resources; provided by other statutes* which lists exclusions from resources under the SSI program. We update the list to show that resources derived from the conversion of most payments to Native Americans that are types of income listed in the appendix to subpart K of part 416—IV. *Native Americans*, are excluded from resources under the SSI program.

Accordingly, we are revising the resource exclusions specific to Indian tribes or groups to reflect the changes made in appendix K.

We are also adding a new paragraph (a)(18) to § 416.1236 to reflect the exclusion from resources of payments made to individuals because of their status as victims of Nazi persecution pursuant to section 1(a) of the Victims of Nazi Persecution Act of 1994, Public Law 103-286 (108 Stat. 1450).

Additionally, we are amending § 416.1245(b)(3)(ii) to conform with a change to § 416.1242(a) promulgated on November 15, 1993 at 58 FR 60103. Under that regulatory change, the Social Security Administration's acceptance of the written agreement for conditional payments is effective when the applicant/recipient receives our written notice. Our change to § 416.1245(b)(3)(ii) states that within 30 days of receiving our notice *accepting* the conditional payments agreement (instead of within 30 days of *signing* the agreement), the applicant/recipient must take certain steps to sell his or her property.

Subpart T Addition

We are amending § 416.2096(c), *Meeting the passalong requirement—total expenditures. Exception—*, by adding a new paragraph (6) to place in regulations the statutory provision of section 209 of the SSIPIA of 1994 (Pub. L. 103-296). Section 209 amends section 1618(b) of the Act. The amendment provides that for purposes of determining whether a State's expenditures for supplementary payments in the 12-month period beginning on the effective date of any increase in the level of SSI benefits are not less than the State's expenditures for the payments in the preceding 12-month period, the Commissioner of Social Security, in computing the State's expenditures, shall disregard, pursuant to a one-time election of the State, all expenditures by the State for retroactive supplementary payments that are required to be made in connection with the retroactive SSI benefits referred to in section 5041 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), Public Law 101-508. This section of OBRA '90 addresses only those retroactive SSI benefits paid as a result of *Sullivan v. Zebley*, 493 U.S. 521 (1990). To make clear that these regulations apply only to the retroactive SSI benefits as a result of *Sullivan v. Zebley*, we are including this court case reference in the regulations.

Regulatory Procedures

When developing our regulations, we follow the rulemaking procedures specified in the Administrative Procedure Act (APA), 5 U.S.C. 553. The APA provides exceptions to its notice of proposed rulemaking 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 of proposed rulemaking and public comment procedures in this case. Good cause exists because these rules contain only changes which reflect statutory exclusions of income and resources in statutes other than the Act and a technical change, and reflect a statutory provision from the SSIPIA of 1994, none of which involve the setting of policy. Therefore, opportunity for prior comment is unnecessary, and we are issuing these changes to our regulations as final rules.

Executive Order No. 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 final rules will not have a significant economic impact on a substantial number of small entities since these rules affect only individuals and States. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These final regulations impose no additional reporting and recordkeeping requirements subject to OMB clearance. (Catalog of Federal Domestic Assistance: Program No. 96.006—Supplemental Security Income.)

List 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: May 27, 1997.

John J. Callahan,
Acting Commissioner of Social Security.

For the reasons set out in the preamble, part 416 of chapter III of title

20 of the Code of Federal Regulations is amended as follows:

PART 416—[AMENDED]

1. The authority citation for subpart K of part 416 continues 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).

2. In the appendix following subpart K of part 416, *IV. Native Americans* is revised and in *V. Other*, paragraphs (f) and (g) are added to read as follows:

Appendix to Subpart K of Part 416— List of Types of Income Excluded Under the SSI Program as Provided by Federal Laws Other Than the Social Security Act

* * * * *

IV. Native Americans

(a) Types of Payments Excluded Without Regard to Specific Tribes or Groups—

(1) Indian judgment funds that are held in trust by the Secretary of the Interior or distributed per capita pursuant to a plan prepared by the Secretary of the Interior and not disapproved by a joint resolution of the Congress under Public Law 93-134 as amended by section 4 of Public Law 97-458 (96 Stat. 2513, 25 U.S.C. 1408). Indian judgment funds include interest and investment income accrued while such funds are so held in trust. This exclusion extends to initial purchases made with Indian judgment funds. This exclusion does not apply to sales or conversions of initial purchases or to subsequent purchases.

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(2) All funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe are excluded from income under Public Law 98-64 (97 Stat. 365, 25 U.S.C. 117b). Funds held by Alaska Native Regional and Village Corporations (ANRVC) are not held in trust by the Secretary of the Interior and therefore ANRVC dividend distributions are not excluded from countable income under this exclusion. For ANRVC dividend distributions, see paragraph IV.(a)(3) of this appendix.

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(3) Distributions received by an individual Alaska Native or descendant of an Alaska Native from an Alaska Native Regional and Village Corporation pursuant to the Alaska Native Claims Settlement Act, as follows: cash, including cash dividends on stock received from a Native Corporation, to the extent that it does not, in the aggregate, exceed \$2,000 per individual each year; stock, including stock issued or distributed by a Native Corporation as a dividend or

distribution on stock; a partnership interest; land or an interest in land, including land or an interest in land received from a Native Corporation as a dividend or distribution on stock; and an interest in a settlement trust. This exclusion is pursuant to section 15 of the Alaska Native Claims Settlement Act Amendments of 1987, Public Law 100-241 (101 Stat. 1812, 43 U.S.C. 1626(c)), effective February 3, 1988.

Note—This exclusion does not apply in deeming income from sponsors to aliens.

(4) Up to \$2,000 per year received by Indians that is derived from individual interests in trust or restricted lands under section 13736 of Public Law 103-66 (107 Stat. 663, 25 U.S.C. 1408, as amended).

(b) Payments to Members of Specific Indian Tribes and Groups—

(1) Per capita payments to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation under section 3 of Public Law 85-794 (72 Stat. 958).

(2) Per capita distribution payments by the Blackfeet and Gros Ventre tribal governments to members which resulted from judgment funds to the tribes under section 4 of Public Law 92-254 (86 Stat. 65) and under section 6 of Public Law 97-408 (96 Stat. 2036).

(3) Settlement fund payments and the availability of such funds to members of the Hopi and Navajo Tribes under section 22 of Public Law 93-531 (88 Stat. 1722) as amended by Public Law 96-305 (94 Stat. 929).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(4) Judgment funds distributed per capita to, or held in trust for, members of the Sac and Fox Indian Nation, and the availability of such funds under section 6 of Public Law 94-189 (89 Stat. 1094).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(5) Judgment funds distributed per capita to, or held in trust for, members of the Grand River Band of Ottawa Indians, and the availability of such funds under section 6 of Public Law 94-540 (90 Stat. 2504).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(6) Any judgment funds distributed per capita to members of the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation under section 2 of Public Law 95-433 (92 Stat. 1047, 25 U.S.C. 609c-1).

(7) Any judgment funds distributed per capita or made available for programs for members of the Delaware Tribe of Indians and the absentee Delaware Tribe of Western Oklahoma under section 8 of Public Law 96-318 (94 Stat. 971).

(8) All funds and distributions to members of the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians under the Maine Indian Claims Settlement Act, and the availability of such funds under section 9 of Public Law 96-420 (94 Stat. 1795, 25 U.S.C. 1728(c)).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(9) Any distributions of judgment funds to members of the San Carlos Apache Indian Tribe of Arizona under section 7 of Public Law 93-134 (87 Stat. 468) and Public Law 97-95 (95 Stat. 1206).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(10) Any distribution of judgment funds to members of the Wyandot Tribe of Indians of Oklahoma under section 6 of Public Law 97-371 (96 Stat. 1814).

(11) Distributions of judgment funds to members of the Shawnee Tribe of Indians (Absentee Shawnee Tribe of Oklahoma, the Eastern Shawnee Tribe of Oklahoma and the Cherokee Band of Shawnee descendants) under section 7 of Public Law 97-372 (96 Stat. 1816).

(12) Judgment funds distributed per capita or made available for programs for members of the Miami Tribe of Oklahoma and the Miami Indians of Indiana under section 7 of Public Law 97-376 (96 Stat. 1829).

(13) Distributions of judgment funds to members of the Clallam Tribe of Indians of the State of Washington (Port Gamble Indian Community, Lower Elwha Tribal Community and the Jamestown Band of Clallam Indians) under section 6 of Public Law 97-402 (96 Stat. 2021).

(14) Judgment funds distributed per capita or made available for programs for members of the Pembina Chippewa Indians (Turtle Mountain Band of Chippewa Indians, Chippewa Cree Tribe of Rocky Boy's Reservation, Minnesota Chippewa Tribe, Little Shell Band of the Chippewa Indians of Montana, and the nonmember Pembina descendants) under section 9 of Public Law 97-403 (96 Stat. 2025).

(15) Per capita distributions of judgment funds to members of the Assiniboine Tribe of Fort Belknap Indian Community and the Papago Tribe of Arizona under sections 6 and 8(d) of Public Law 97-408 (96 Stat. 2036, 2038).

(16) Up to \$2,000 of per capita distributions of judgment funds to members of the Confederated Tribes of the Warm Springs Reservation under section 4 of Public Law 97-436 (96 Stat. 2284).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(17) Judgment funds distributed to the Red Lake Band of Chippewa Indians under section 3 of Public Law 98-123 (97 Stat. 816).

(18) Funds distributed per capita or family interest payments for members of the Assiniboine Tribe of Fort Belknap Indian Community of Montana and the Assiniboine Tribe of the Fort Peck Indian Reservation of Montana under section 5 of Public Law 98-124 (97 Stat. 818).

(19) Distributions of judgment funds and income derived therefrom to members of the Shoalwater Bay Indian Tribe under section 5 of Public Law 98-432 (98 Stat. 1672).

(20) All distributions to heirs of certain deceased Indians under section 8 of the Old Age Assistance Claims Settlement Act, Public Law 98-500 (98 Stat. 2319).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(21) Judgment funds distributed per capita or made available for any tribal program for members of the Wyandotte Tribe of Oklahoma and the Absentee Wyandottes under section 106 of Public Law 98-602 (98 Stat. 3151).

(22) Per capita and dividend payment distributions of judgment funds to members of the Santee Sioux Tribe of Nebraska, the Flandreau Santee Sioux Tribe, the Prairie Island Sioux, Lower Sioux, and Shakopee Mdewakanton Sioux Communities of Minnesota under section 8 of Public Law 99-130 (99 Stat. 552) and section 7 of Public Law 93-134 (87 Stat. 468), as amended by Public Law 97-458 (96 Stat. 2513; 25 U.S.C. 1407).

(23) Funds distributed per capita or held in trust for members of the Chippewas of Lake Superior and the Chippewas of the Mississippi under section 6 of Public Law 99-146 (99 Stat. 782).

(24) Distributions of claims settlement funds to members of the White Earth Band of Chippewa Indians as allottees, or their heirs, under section 16 of Public Law 99-264 (100 Stat. 70).

(25) Payments or distributions of judgment funds, and the availability of any amount for such payments or distributions, to members of the Saginaw Chippewa Indian Tribe of Michigan under section 6 of Public Law 99-346 (100 Stat. 677).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(26) Judgment funds distributed per capita or held in trust for members of the Chippewas of Lake Superior and the Chippewas of the Mississippi under section 4 of Public Law 99-377 (100 Stat. 805).

(27) Judgment funds distributed to members of the Cow Creek Band of Umpqua Tribe of Indians under section 4 of Public Law 100-139 (101 Stat. 822).

(28) Per capita payments of claims settlement funds to members of the Coushatta Tribe of Louisiana under section 2 of Public Law 100-411 (102 Stat. 1097) and section 7 of Public Law 93-134 (87 Stat. 468), as amended by Public Law 97-458 (96 Stat. 2513; 25 U.S.C. 1407).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(29) Funds distributed per capita for members of the Hoopa Valley Indian Tribe and the Yurok Indian Tribe under sections 4, 6 and 7 of Public Law 100-580 (102 Stat. 2929, 2930, 2931) and section 3 of Public Law 98-64 (97 Stat. 365; 25 U.S.C. 117b).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(30) Judgment funds held in trust by the United States, including interest and investment income accruing on such funds, and judgment funds made available for programs or distributed to members of the Wisconsin Band of Potawatomi (Hannahville Indian Community and Forest County Potawatomi) under section 503 of Public Law 100-581 (102 Stat. 2945).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(31) All funds, assets, and income from the trust fund transferred to the members of the Puyallup Tribe under section 10 of the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101-41 (103 Stat. 88, 25 U.S.C. 1773h(c)).

Note—This exclusion does not apply in deeming income from sponsors to aliens.

(32) Judgment funds distributed per capita, or held in trust, or made available for programs, for members of the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida under section 8 of Public Law 101-277 (104 Stat. 145).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(33) Payments, funds, distributions, or income derived from them to members of the Seneca Nation of New York under section 8(b) of the Seneca Nation Settlement Act of 1990, Public Law 101-503 (104 Stat. 1297, 25 U.S.C. 1774f).

Note—This exclusion does not apply in deeming income from sponsors to aliens.

(34) Per capita distributions of settlement funds under section 102 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990, Public Law 101-618 (104 Stat. 3289) and section 7 of Public Law 93-134 (87 Stat. 468), as amended by Public Law 97-458 (96 Stat. 2513; 25 U.S.C. 1407).

(35) Settlement funds, assets, income, payments, or distributions from Trust Funds to members of the Catawba Indian Tribe of South Carolina under section 11(m) of Public Law 103-116 (107 Stat. 1133).

(36) Settlement funds held in trust (including interest and investment income accruing on such funds) for, and payments made to, members of the Confederated Tribes of the Colville Reservation under section 7(b) of Public Law 103-436 (108 Stat. 4579).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(c) Receipts from Lands Held in Trust for Certain Tribes or Groups—

(1) Receipts from land held in trust by the federal government and distributed to members of certain Indian tribes under section 6 of Public Law 94-114 (89 Stat. 579, 25 U.S.C. 459e).

Note—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(2) Receipts derived from trust lands awarded to the Pueblo of Santa Ana and distributed to members of that tribe under section 6 of Public Law 95-498 (92 Stat. 1677).

(3) Receipts derived from trust lands awarded to the Pueblo of Zia of New Mexico and distributed to members of that tribe under section 6 of Public Law 95-499 (92 Stat. 1680).

V. Other

* * * * *

(f) The value of any child care provided or arranged (or any payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act, as amended by section 8(b) of Public Law 102-586 (106 Stat. 5035).

(g) Payments made to individuals because of their status as victims of Nazi persecution excluded pursuant to section 1(a) of the Victims of Nazi Persecution Act of 1994, Public Law 103-286 (108 Stat. 1450).

3. The authority citation for subpart L of part 416 continues 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, Public Law 93-66, 87 Stat. 154 (42 U.S.C. 1382 note).

4. In § 416.1236, paragraph (a)(2) is revised; the last sentence of paragraph (a)(12) is revised; paragraphs (a)(13), (a)(16), and (a)(19) are removed; paragraphs (a)(14), (a)(15), (a)(17), (a)(18), and (a)(20) are redesignated as paragraph (a)(13), (a)(14), (a)(15), (a)(16), and (a)(17), respectively; and a new paragraph (a)(18) is added to read as follows:

§ 416.1236 Exclusions from resources; provided by other statutes.

(a) * * *

(2) Payments made to Native Americans as listed in paragraphs (b) and (c) of section IV of the appendix to subpart K of part 416, as provided by Federal statutes other than the Social Security Act.

* * * * *

(12) * * * For the treatment of ANRVC dividend distributions, see paragraph (a)(10) of this section.

* * * * *

(18) Payments made to individuals because of their status as victims of Nazi persecution excluded pursuant to section 1(a) of the Victims of Nazi Persecution Act of 1994, Public Law 103-286 (108 Stat. 1450).

5. In § 416.1245, the introductory text of paragraph (b)(3)(ii), is revised to read as follows:

§ 416.1245 Exceptions to required disposition of real property.

* * * * *

(b) * * *

(3) * * *

(ii) Within 30 days of receiving notice that we have accepted the individual's signed written agreement to dispose of the property, and absent good cause for not doing so, the individual must:

* * * * *

6. The authority citation for subpart T of part 416 continues 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, Public Law 93-66, 87 Stat. 155 (42 U.S.C. 1382 note); sec. 8(a), (b)(1)-(b)(3), Public Law 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), Public Law 93-335, 88 Stat. 291 (42 U.S.C. 1382 note, 1382e note).

7. Section 416.2096 is amended by adding a new paragraph (c)(6) to read as follows:

§ 416.2096 Basic pass-along rules.

* * * * *

(c) * * *

(6) To determine whether a State's expenditures for supplementary payments in the 12-month period beginning on the effective date of any increase in the level of SSI benefits are not less than the State's expenditures for the payments in the preceding 12-month period, in computing the State's expenditures, we disregard, pursuant to a one-time election of the State, all expenditures by the State for the retroactive supplementary payments that are required to be made under the *Sullivan v. Zebley*, 493 U.S. 521 (1990) class action.

* * * * *

[FR Doc. 97-14615 Filed 6-5-97; 8:45 am]

BILLING CODE 4190-29-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 91F-0160]

Food Additives Permitted For Direct Addition to Food For Human Consumption; Polydextrose

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of polydextrose as a formulation aid in film coatings applied to vitamin and mineral supplement tablets. This action is in response to a petition filed by Scientific Services, Colorcon (Colorcon).

DATES: Effective June 6, 1997; written objections and requests for a hearing by July 7, 1997.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Rosalie M. Angeles, Center for Food Safety and Applied Nutrition (HFS-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3107.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of May 31, 1991 (56 FR 24821), FDA announced that a food additive petition (FAP 1A4258) had been filed by Colorcon, 415 Moyer Blvd., West Point, PA 19486, proposing that § 172.841 *Polydextrose* (21 CFR 172.841) be amended to provide for the safe use of polydextrose as a formulation aid (film former/adhesion promoter) in film coatings applied to vitamin and mineral supplement tablets.

Film coatings are applied to tableted food supplements to mask taste and to facilitate both swallowing and identification. In the petition, data were provided by the petitioner to establish that: (1) Polydextrose provides substantial improvement in the adhesion of the coating to tableted food supplements, and (2) it considerably improves the stability of colored coatings. The petitioner also established that the optimal level of polydextrose in the coating is 25 percent. With the coating constituting 5 percent of the tablet, the polydextrose content in the final coated product would be about 1.25 percent by weight or a maximum of 13 milligrams (mg) per tablet. Thus, even for heavy users of food supplements (consuming 5 to 10 tablets per day), the petitioner estimates that the maximum consumption of polydextrose from the proposed use of the additive in vitamin and mineral supplements would be no more than 130 mg per person per day (Ref. 1).

FDA concurs with the petitioner's estimates of consumer exposure to the additive from the petitioned use. Further, the agency finds that this consumption is insignificant compared to the cumulative intake of polydextrose from all currently regulated uses of the additive.

Accordingly, based on its evaluation of the data in the petition and other relevant material, FDA concludes that the proposed food additive use is safe, that the additive will achieve its intended technical effect, and that therefore, the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment

with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before July 7, 1997, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Reference

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum dated July 31, 1996, from Z. S. Olempska-Beer, Division of Product Manufacture and Use, FDA, to R. M. Angeles concerning review of chemistry data in FAP 1A4258.