

request must recommend specific procedures that are appropriate under the circumstances.

(8) The Commission may participate in the pre-filing consultation process and assist in the integration of this process and the environmental review process in any case, including appropriate cases where the applicant, contractor, or consultant funded by the applicant is not preparing a preliminary draft environmental assessment or preliminary draft environmental impact statement, but where staff assistance is available and could expedite the proceeding.

(9) In all cases where the Commission has approved the use of alternative pre-filing consultation procedures prior to December 5, 1997, during the pre-filing process the potential applicant need not follow any additional requirements imposed by paragraph (i) of this section, if in so doing the applicant would repeat any steps already taken in the preparation of its application and supporting documentation or act inconsistently with any written agreement signed before December 5, 1997 by the applicant and the other participants in the alternative process.

PART 375—THE COMMISSION

3. The authority citation for part 375 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791–825r, 2601–2645; 42 U.S.C. 7101–7352.

4. In § 375.314, paragraph (u) is added to read as follows:

§ 375.314 Delegations to the Director of the Office of Hydropower Licensing.

* * * * *

(u) Approve, on a case-specific basis, and issue such orders as may be necessary in connection with the use of alternative procedures, under § 4.34(i) of this chapter, for the development of an application for an original, new or subsequent license, exemption, or license amendment subject to the pre-filing consultation process, and assist in the pre-filing consultation and related processes.

Note: The appendix will not appear in the Code of Federal Regulations.

Appendix A

Comments

Citizens' Groups

Adirondack Mountain Club
American Rivers
Appalachian Mountain Club
California Hydropower Reform Coalition
Conservation Law Foundation
Hydropower Reform Coalition
Idaho Rivers United

Michigan Hydro Relicensing Coalition
New England FLOW
New York Rivers United
Trout Unlimited

Federal Agencies

U.S. Department of Agriculture, U.S. Forest Service
U.S. Department of Commerce, National Marine Fisheries Service
U.S. Department of the Interior
U.S. Environmental Protection Agency

Indian Tribes

Penobscot Nation

Industry Associations

American Public Power Association
Edison Electric Institute
National Hydropower Association
Public Generating Pool
Western Urban Water Coalition

State Agencies

Georgia Department of Natural Resources
New York State Department of Environmental Conservation
Washington Department of Fish and Game

Licensees

Adirondack Hydro Development Corporation
Alabama Power Company and Georgia Power Company
Denver Water
Duke Power Company
Holyoke Gas & Electric Company and Northern California Water Power Agency
Minnesota Power & Light Company
Montana Power Company
Pacific Gas and Electric Company
Portland General Electric Company
Sacramento Municipal Utility District
Seattle City Light

Reply Comments

Alabama Power Company and Georgia Power Company
City of Holyoke, Massachusetts Gas & Electric Department
Duke Power Company
Edison Electric Institute
Hydropower Reform Coalition
National Hydropower Association
Sacramento Municipal Utility District

[FR Doc. 97–29196 Filed 11–4–97; 8:45 am]

BILLING CODE 6717–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Regulations No. 16]

RIN 0960–AE05

Definition of United States (U.S.) Resident; Religious Record of Birth or Baptism as Evidence of Citizenship; Plan to Help Blind and Disabled Individuals Achieve Self-Support

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: These final regulations clarify SSA's policies on the definition of a U.S. resident and the acceptable types of evidence for proving status as a U.S. citizen or national. They clarify that, for purposes of the Supplemental Security Income (SSI) program, *resident of the U.S.* means the individual has established an actual dwelling place in the U.S. and plans to continue living in the U.S. These final regulations also clarify that, for purposes of the SSI program, a religious record of a birth or baptism in the U.S. must have been recorded in the U.S. within 3 months of the birth, in addition to showing that the individual was born in the U.S., in order to be acceptable evidence that the individual is a U.S. citizen or a national of the U.S. In addition, these final regulations correct a typographical error in the wording regarding income that is used or set aside to be used under a plan to become self-supporting.

EFFECTIVE DATE: These regulations are effective December 5, 1997.

FOR FURTHER INFORMATION CONTACT: Lois Berg, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1713. For information on eligibility, claiming benefits, or coverage of earnings, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION:

Background

To be eligible for SSI benefits, an individual must be a resident of the U.S. (one of the 50 States, the District of Columbia, or the Northern Mariana Islands). Generally, a person becomes a resident when he or she arrives in the U.S., establishes an actual dwelling place in the U.S., and plans to continue living in the U.S.

Our regulation at § 416.1603(b) currently defines *resident of the U.S.* as “a person who is living within the geographical limits of the United States.” This definition is vague because it could be read to imply that mere presence, such as that of a visitor, is sufficient to establish residency. In addition, it does not fully support the evidence of residency documents required to establish U.S. residency listed in § 416.1603(a).

Section 416.1603(b) of these final regulations specifies that an individual must establish an actual dwelling place in the U.S. and intend to continue living in the U.S. to be considered a U.S. resident. Clarification of this section of the regulations is necessary to address problems that have arisen where individuals have established U.S.

residency under current regulations, but do not intend to live in the U.S.

In evaluating evidence of residency for SSI purposes, the term *actual dwelling place* will encompass different types of living situations including the situation of a homeless individual.

Another requirement for eligibility for SSI benefits is that an individual must be either a citizen or national of the U.S. or a qualified alien as defined in 8 U.S.C. 1641(b) who meets one of the exceptions in 8 U.S.C. 1612(a)(2). Section 416.1610 of the regulations lists the various types of evidence that an individual can submit as proof that he or she is a citizen or national. Among the acceptable types of evidence for a U.S. citizen or national is a religious record of birth or baptism which shows the individual was born in the U.S. However, § 416.1610(a)(2) currently does not specify that the place of recordation must be in the U.S., nor does it set any time limits on when the record must have been established.

Prior SSA studies have shown that religious records of birth or baptism recorded in the U.S. within 3 months of birth are generally reliable. Records made after 3 months of birth are more prone to fraud. While not a foolproof fraud deterrent, these final regulations will help to limit fraud by lessening the chance of an individual later coming into the U.S. and using a fraudulent religious record of birth or baptism to obtain SSI benefits.

Explanation of Revisions

In these final regulations, we are revising § 416.1603(b) to define precisely what we mean by "living within the geographical limits of the United States" and to reflect the evidence required by § 416.1603(a). We are also revising § 416.1610(a)(2) to specify that, in addition to showing that the individual was born in the U.S., a religious record of birth or baptism must have been recorded in the U.S. within 3 months of birth.

In addition, we are correcting a typographical error in the wording of the second sentence in § 416.1180 concerning income that is used or set aside to be used under a plan to become self-supporting.

On April 22, 1996, we published proposed rules in the **Federal Register** at 61 FR 17609 and provided a 60-day period for interested individuals to comment. We received no comments. We are, therefore, publishing these final rules unchanged.

Regulatory Procedures

Regulatory Flexibility Act

We certify that these final regulations will not have a significant economic impact on a substantial number of small entities because they only affect individuals who claim benefits under title XVI of the Social Security Act. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

Executive Order 12866

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

Paperwork Reduction Act

These final regulations impose no reporting/recordkeeping requirements necessitating clearance by OMB.

(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: October 27, 1997.

Kenneth S. Apfel,
Commissioner of Social Security.

For the reasons set forth in the preamble, we are amending subparts K and P of part 416 of chapter III of title 20 of the Code of Federal Regulations as set forth below.

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

Subpart K—[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. Section 416.1180 is amended by revising the second sentence to read as follows:

§ 416.1180 General.

* * * If you are blind or disabled, we will pay you SSI benefits and will not count the part of your income that you

use or set aside to use under a plan to become self-supporting. * * *

Subpart P—[Amended]

3. The authority citation for subpart P of part 416 continues to read as follows:

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

4. Section 416.1603 is amended by revising paragraph (b) to read as follows:

§ 416.1603 How to prove you are a resident of the United States.

* * * * *

(b) What "resident of the United States" means. We use the term *resident of the United States* to mean a person who has established an actual dwelling place within the geographical limits of the United States with the intent to continue to live in the United States.

* * * * *

3. Section 416.1610 is amended by revising paragraph (a)(2) to read as follows:

§ 416.1610 How to prove you are a citizen or a national of the United States.

(a) * * *

(2) A certified copy of a religious record of your birth or baptism, recorded in the United States within 3 months of your birth, which shows you were born in the United States;

* * * * *

[FR Doc. 97-29187 Filed 11-4-97; 8:45 am]

BILLING CODE 4190-29-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 58

[AD-FRL-5903-5]

RIN 2060-AF71

Ambient Air Quality Surveillance for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Lead air pollution levels measured near the Nation's roadways have decreased 97 percent between 1976 and 1995 with the elimination of lead in gasoline used by on-road mobile sources. Because of this historic decrease, EPA is shifting its ambient air monitoring focus from measuring lead air pollutant concentrations emanating from mobile source emissions toward a focus on stationary point sources of lead