

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

**SOCATA—Groupe Aerospatiale:** Docket No. 99–CE–50–AD.

**Applicability:** Model TBM 700 airplanes, all serial numbers equipped with pneumatic deicing boots, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated in the body of this AD, unless already accomplished.

To assure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

- At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and
- The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice."

(b) Incorporating the AFM revisions, as required by this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR

21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Information related to this AD may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on October 4, 1999.

**Michael Gallagher,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 99–26569 Filed 10–8–99; 8:45 am]

BILLING CODE 4910–13–P

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## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

[Regulations No. 4]

RIN 0960–AF03

### Federal Old-Age, Survivors, and Disability Insurance; Determining Disability and Blindness; Addition of Medical Criteria for Evaluating Down Syndrome in Adults

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to add a new listing to provide for the evaluation of Down syndrome for adults. Our current regulations only include a listing for evaluating Down syndrome in children; we evaluate claims filed by adults with Down syndrome under other listings. We believe that establishing a separate listing for this disorder in the adult listings will acknowledge the lifelong impact and severity of this disorder, and will simplify our adjudication of claims filed by adults with Down syndrome.

**DATES:** To be sure that your comments are considered, we must receive them no later than December 13, 1999.

**ADDRESSES:** Comments should be submitted in writing to the Commissioner of Social Security, PO Box 17703, Baltimore, MD 21235–7703, sent by telefax to (410) 966–2830, sent

by E-mail to regulations@ssa.gov, or delivered to the Office of Process and Innovation Management, Social Security Administration, L2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, between 8 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these hours by making arrangements with the contact person shown below.

#### FOR FURTHER INFORMATION CONTACT:

Michelle Hungerman, Social Insurance Specialist, Office of Disability, Social Security Administration, 3–A–9 Operations Building, 6401 Security Boulevard, Baltimore, Maryland, 21235–6401, (410) 965–2289 or TTY (410) 966–5609.

#### SUPPLEMENTARY INFORMATION:

#### Background

We pay disability benefits under title II of the Social Security Act (the Act) to disabled individuals who are insured under the Act. We also pay child's insurance benefits based on disability and widow's and widower's insurance benefits for disabled widows, widowers, and surviving divorced spouses of insured individuals. In addition, we pay Supplemental Security Income (SSI) payments under title XVI of the Act to persons who are disabled and who have limited income and resources. For adults under both the title II and title XVI programs, and for persons claiming child's insurance benefits based on disability under title II, "disability" means that an impairment(s) results in an inability to engage in any substantial gainful activity. Disability must also be the result of medically determinable physical or mental impairment(s) that can be expected to result in death or that has lasted or can be expected to last for a continuous period of at least 12 months.

Our longstanding regulations at §§ 404.1520 and 416.920 provide for a five-step sequential evaluation process to determine if someone is disabled. At step 3 of this process, we decide whether an individual who is not engaging in substantial gainful activity and who has an impairment(s) that is severe (steps 1 and 2), has an impairment(s) that meets or is medically equivalent in severity to the criteria of an impairment in the listings. The listings describe, for each of several major body systems, impairments that are considered severe enough to prevent a person from doing any gainful activity. Although the listings are contained only in part 404, they are incorporated by reference in the SSI program by § 416.925 of our regulations.

The listings are divided into part A and part B. The criteria in part A are applied in evaluating impairments of persons age 18 or over. The criteria in part B are applied in evaluating impairments of persons under age 18. (See §§ 404.1525 and 416.925.)

### Explanation of Proposed Regulation

We propose to add a new listing to evaluate claims filed by individuals age 18 or older who have non-mosaic Down syndrome. Since 1990, we have evaluated claims for individuals under age 18 who have non-mosaic Down syndrome under listing 110.06, but we do not have a Down syndrome listing for adults. Instead, we evaluate most of these claims under listing 12.05-Mental Retardation—which requires measurement of intellectual functioning. Almost all adults with Down syndrome also have moderate to severe musculoskeletal abnormalities, and many have other impairments, including cardiac, gastrointestinal, oral/facial and skeletal abnormalities. Therefore, we may also evaluate the physical impairments that such individuals may have under the appropriate body system listings.

For individuals under age 18, current listing 110.06 represents what we have known for some time: That when we obtain appropriate evidence, virtually all individuals who have non-mosaic Down syndrome will be found disabled under our rules. Therefore, the listing is met by showing that the individual has Down syndrome (excluding mosaic Down syndrome) that has been established by clinical findings, including the characteristic physical features, and laboratory evidence, including chromosomal analysis.

When listing 110.06 is met, disability is established from birth. In recognition of the fact that Down syndrome rarely, if ever, improves to the point that an individual would not meet our definition of disability, we now propose to simplify our adjudication of cases of all individuals with non-mosaic Down syndrome by providing a corresponding listing in part A. For example, the addition of this listing will simplify the process of performing disability redeterminations at age 18 for individuals who are eligible for SSI as children on the basis of non-mosaic Down syndrome. Even though it would be the only listing in section 10.00, we propose to number the new listing as listing 10.06, to correspond to listing 110.06 in part B.

As in the childhood listing, proposed listing 10.06 would provide that an individual age 18 or older who has non-mosaic Down syndrome established by

clinical and laboratory findings, including chromosomal analysis, is disabled. We also propose new sections 10.00A and 10.00B in the preface to the listing to provide rules for documenting non-mosaic Down syndrome. The proposed rules are similar to those in the corresponding sections of part B, 110.00A and 110.00B. Proposed 10.00A includes a provision similar to one in current 110.00A.2 that an individual with Down syndrome is considered disabled since birth. We included this in the proposed rule for adults to establish that the 12-month duration requirement has been met.

As in part B, we are proposing to exclude mosaic Down syndrome from the listing. Mosaic Down syndrome is a rare form of the condition that is manifested in a wide range of impairment severity. The condition can be profound and disabling, but it can also be so slight as to go undetected. Therefore, it would not be appropriate to conclude that the impairment is always disabling. However, we will still find individuals with mosaic Down syndrome disabled if their impairments meet or are medically equivalent in severity to the requirements of other listings, or, if their impairments are severe, at the fifth step of the sequential evaluation process based on a residual functional capacity assessment and consideration of their age, education, and work experience.

Finally, we are proposing a new section 10.00C. This paragraph provides guidance for evaluating other chromosomal abnormalities.

### Other Changes

Section 10.00 of part A of the listings is currently reserved for future use. We are now proposing to add a new preface (10.00A, 10.00B, and 10.00C) and new listing 10.06 in this section. For this reason, and because Down syndrome often has physical as well as mental effects, we propose the heading "Multiple body systems" for this section. We are also proposing to make minor editorial changes to the introductory text and table of contents to part A of appendix 1, to reflect the provisions of the proposed rule.

### Clarity of This Proposed Rule

Executive Order 12866 and the President's memorandum of June 1, 1998 (63 FR 31885), require each agency to write all rules in plain language. In addition to your substantive comments on this proposed rule, we invite your comments on how to make this proposed rule easier to understand.

For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- What else could we do to make the rule easier to understand?

### Electronic Versions

The electronic file of this document is available on the internet at <[http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)>. It is also available on the internet site for SSA (i.e., "SSA Online") at <http://www.ssa.gov/>.

### Regulatory Procedures

#### Executive Order 12866

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

#### Regulatory Flexibility Act

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

#### Paperwork Reduction Act

This proposed regulation imposes no reporting/recordkeeping requirements necessitating clearance by OMB.

(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; 96.006, Supplemental Security Income)

### List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Dated: September 14, 1999.

**Kenneth S. Apfel,**

*Commissioner of Social Security.*

For the reasons set out in the preamble, we propose to amend part 404, subpart P, of chapter III of title 20 of the Code of Federal Regulations to read as follow:

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

1. The authority citation for subpart P of part 404 continues to read as follows:

**Authority:** Secs. 202, 205(a), (b) and (d)—(h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b) and (d)—(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5); sec. 211(b), Pub.L. 104–193, 110 Stat. 2105, 2189.

## **Appendix 1 to Subpart P of Part 404—[Amended]**

2. Appendix 1 to subpart P of part 404 is amended as follows:

a. Item 11 of the introductory text before Part A of appendix 1 is revised.

b. The Table of Contents for part A of appendix 1 is amended by adding section 10.00.

c. Section 10.00 is added to Part A of appendix 1.

The added and revised text reads as follows:

## **Appendix 1 to Subpart P of Part 404—Listing of Impairments**

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11. Multiple Body Systems (10.00 and 110.00): July 2, 2001.

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### **Part A**

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10.00 Multiple Body Systems

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### **10.00 MULTIPLE BODY SYSTEMS**

A. Down syndrome (except for mosaic Down syndrome (see 10.00C)) established by clinical findings, including the characteristic physical features, and laboratory evidence is considered to meet the requirement of listing 10.06, commencing at birth.

B. Documentation must include confirmation of a positive diagnosis by a clinical description of the usual abnormal physical findings associated with the condition and definitive laboratory tests, including chromosomal analysis. Medical evidence that is persuasive that a positive diagnosis has been confirmed by appropriate laboratory testing, at some time prior to evaluation, is acceptable in lieu of a copy of the actual laboratory report.

C. Other chromosomal abnormalities, e.g., mosaic Down syndrome, fragile X syndrome, phenylketonuria, and fetal alcohol syndrome, produce a pattern of multiple impairments but manifest in a wide range of impairment severity. Therefore, the effects of these impairments should be evaluated under the affected body system.

10.01 Category of Impairments, Multiple Body Systems

10.06 *Down syndrome (excluding mosaic Down syndrome)* established by clinical and

laboratory findings, as described in 10.00B. Consider the individual disabled from birth.

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## **SOCIAL SECURITY ADMINISTRATION**

### **20 CFR Part 422**

[Regulations No. 22]

RIN 0960–AF05

### **Assignment of Social Security Numbers (SSN) for Nonwork Purposes**

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** SSA is providing advance notice of proposed rulemaking regarding when we will assign an SSN to an alien who is legally in the United States (U.S.) but not under authority of law permitting him or her to work in the U.S. We are considering a proposal to assign an SSN to an alien who is legally in the U.S. but does not have authorization to work only if there is a Federal statute or regulation that requires the alien to furnish an SSN to receive a federally-funded benefit or service. Under such a proposal, we would no longer assign an SSN to an alien if the alien's sole reason for applying for the SSN is to satisfy a State or local statute or regulation that requires an individual to furnish an SSN in order to receive a benefit or service. The intent of such a proposed change would be to reduce the possibility of fraud through misuse of SSNs.

**DATES:** To be sure that your comments are considered, we must receive them no later than December 13, 1999.

**ADDRESSES:** Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235–7703, sent by telefax to (410) 966–2830, sent by E-mail to “[regulations@ssa.gov](mailto:regulations@ssa.gov),” or delivered to the Office of Process and Innovation Management, Social Security Administration, L2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, between 8:00 A.M. and 4:30 P.M. on regular business days. Comments may be inspected during these hours by making arrangements with the contact person shown below.

### **Electronic Availability**

This document is also available as an electronic file on date of publication in the **Federal Register** on the Internet site

for the Government Printing Office at [http://www.access.gpo.gov/su\\_docs/aces/access140.html](http://www.access.gpo.gov/su_docs/aces/access140.html). It is also available on the Internet site for SSA (i.e., “SSA Online”) at <http://www.ssa.gov>.

### **FOR FURTHER INFORMATION CONTACT:**

Nancy Grace, Social Insurance Specialist, Office of Program Benefits, 3–R–1 Operations Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–7911 or TTY (410) 966–5609.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

In implementing section 205(c)(2)(B)(i) of the Social Security Act (the Act) and our regulations at 20 CFR 422.104 and 422.107, SSA currently assigns SSNs to aliens who:

- Are lawfully admitted to the U.S. either for permanent residence or under other authority of law permitting them to engage in employment in the U.S.; or
- Are legally in the U.S. but not under authority of law permitting them to engage in employment, but only for a valid nonwork purpose; or
- Cannot provide evidence of alien status, reside either in or outside the U.S. and are entitled to federally-funded benefits for which a Federal statute or regulation requires an SSN—for example, Social Security benefits, Supplemental Security Income benefits, Medicaid, or Temporary Assistance for Needy Families.

Current SSA operational instructions permit SSA to assign an SSN for a nonwork purpose to aliens who:

- Cannot provide evidence of alien status, reside either in or outside the U.S., and are entitled to federally-funded benefits for which a Federal statute or regulation requires an SSN; or
- Are legally in the U.S., if there is a Federal, State, or local statute or regulation that requires them to provide SSNs to get a particular benefit or service.

In the case of such a State or local statute or regulation, the statute or regulation must be in accordance with Federal law—that is, related to the administration of taxes, general public assistance, driver licensing, or motor vehicle registration (section 205(c)(2)(C)(i) of the Act). If entitlement to a State or local benefit or service is the alien's sole reason for requesting an SSN, the alien must submit a letter from the applicable government entity. The letter must identify the alien, describe the State or local benefit/service for which an SSN is required, and state that the alien meets all requirements for the benefit/service except for providing an SSN.