## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

### 12 CFR Part 8

[Docket No. 81-19]

### Assessment of Fees; National Banks; District of Columbia Banks; Correction

**AGENCY:** Comptroller of the Currency, Treasury.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a statutory citation contained in final regulations implementing revised fees for trust examinations which were published on March 13, 1981 [46 FR 16663].

**FOR FURTHER INFORMATION CONTACT:**
Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

**SUPPLEMENTARY INFORMATION:**

The following corrections are made in 12 CFR Part 8:

### PART 8—ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

1. The authority citation for Part 8 is revised to read as follows:

**Authority:** R.S. 5240, as amended, 12 U.S.C. 481, 482, 12 U.S.C. 3103, and in Section 3, 47 Stat. 1566, 26 D.C. Code 102.

2. Section 8.7(a) is revised to read as follows:

**§ 8.7 Hourly rate for trust examinations.**

(a) The assessment contained in this subpart is made pursuant to authority contained in R.S. 5240, as amended, 12 U.S.C. 481, 482 and in Section 3, 47 Stat. 1566, 26 D.C. Code 102. These statutes provide that the Comptroller assess fees adequate to cover the cost of each trust examination.

* * * * *

Dated: September 22, 1981.

**Charles E. Lord,**

*Acting Comptroller of the Currency.*

[FR Doc. 81-28048 Filed 9-25-81; 8:45 am]

BILLING CODE 4810-33-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. 81-WE-16-AD; Amdt. 39-4224]

### Airworthiness Directives; Robinson Helicopter Model R-22

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action publishes in the Federal Register and makes effective to all persons, an amendment adopting a new Airworthiness Directive (AD) which was previously made effective on all Robinson Helicopters Model R-22 helicopters. All known United States operators were notified by priority mail AD 81-19-03 dated September 4, 1981. The AD requires that prior to further flight, any main rotor blade which has 300 more hours of time in service be removed from service on Robinson Helicopter Model R-22. This AD is prompted by a report of a main rotor blade fatigue fracture during flight which resulted in a crash and fatalities. The manufacturer examined other retired main rotor blades with similar numbers of hours of time in service and found one with a crack.

**DATES:** Effective October 2, 1981, and was effective upon receipt for recipients of priority mail AD 81-19-03 dated September 4, 1981.

Compliance schedule—As prescribed in the body of the AD unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from: Robinson Helicopter Company, 24747 Crenshaw Boulevard, Torrence, California 90505.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or
Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

**FOR FURTHER INFORMATION CONTACT:**
Marshall Burquest, Aerospace Engineer, Airframe Section, AWE-212, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6359.

**SUPPLEMENTARY INFORMATION:** An emergency AD was issued as priority mail AD 81-19-03 dated September 4, 1981 and made effective immediately upon receipt to all known United States operators of Robinson Model R-22 helicopters. This AD differs from the priority mail AD in that it requires the main rotor blade data plate to be marked "UNAIRWORTHY." Subsequent to an R-22 crash, the preliminary accident investigation findings prompted the manufacturer, with FAA surveillance, to examine a number of previously retired R-22 main rotor blades for signs of fatigue failure. The blade installed on the crashed helicopter had 691 hours of time in service. Some 14 blades with from 15 to 1,009 hours of time in service were examined. One blade with 756 hours of time in service displayed signs of cracking. Five blades with between 756 and 1,009 hours of time in service did not display signs of cracking. The remaining blades, each with less than 326 hours of time in service, did not display any signs of cracking. Based upon the foregoing inspections, the service life limit of the R-22 main rotor blade is reduced to 300 hours of time in service. The area of possible fatigue failure is completely enclosed by rotor blade skin and cannot be adequately x-ray or dye penetrant inspected. Visual inspecton can only be accomplished by sawing through the blade to expose the suspect area. Robinson Helicopter Company is redesigning the main rotor blade to achieve a longer service life limit.

Since this condition is likely to exist on other helicopters of the same type design, an airworthiness directive is being adopted which requires that prior to further flight, any main rotor blade with 300 or more hours of time in service be removed from service on the Robinson Model R-22 helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed to make the AD effective immediately. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

**Robinson Helicopter:** Applies to model R-22, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the main rotor blade which would result in the loss of control and crash of the helicopter, accomplish the following:

(a) Prior to further flight after receipt of the priority mail AD 81-19-03 dated September 4, 1981, or the effective date of this AD whichever comes first, remove from service all main rotor blades Part No. A016-1, Revision A through and including Revision V with 300 or more hours of time in service. A service life limit of 300 hours is established for the referenced main rotor blades used on the R-22 helicopter.

(b) Mark all main rotor blades, P/N A016-1, Revision A through and including Revision V, with 300 or more hours of time in service "UNAIRWORTHY" in letters of at least 1/2 inch high and mark "UNAIRWORTHY" on data plate using a metal stamp.

This amendment becomes effective October 2, 1981, to all persons except those to whom it was made immediately effective by priority mail AD 81-19-03 dated September 4, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

**Note.**—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on September 18, 1981.

**R. L. Devereaux,**

*Acting Director, FAA Western Region.*

[FR Doc. 81-28056 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 282

**[Docket No. RM79-14]**

## Natural Gas Policy Act of 1978; Incremental Pricing Acquisition Cost Thresholds

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule; order prescribing incremental pricing thresholds.

**SUMMARY:** The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

**EFFECTIVE DATE:** October 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-8500.

**SUPPLEMENTARY INFORMATION:**

Issued: September 22, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of October 1981 are issued by the publication of a price table for the applicable month.

**Kenneth A. Williams,**

*Director, Office of Pipeline and Producer Regulation.*

**Table I.**—*Incremental Pricing Acquisition Cost Threshold Prices*

| | January | February | March | April | May | June | July | August | September | October | November | December |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Calendar Year 1980 | | | | | | |
| Incremental Pricing Threshold | $1.702 | $1.738 | $1.760 | $1.762 | $1.776 | $1.790 | $1.804 | $1.819 | $1.834 | $1.849 | $1.863 | 1.377 |
| NGPA Section 102 Threshold | 2.358 | 2.381 | 2.404 | 2.428 | 2.453 | 2.478 | 2.504 | 2.532 | 2.560 | 2.588 | 2.614 | 2.640 |
| NGPA Section 109 Threshold | 1.786 | 1.799 | 1.812 | 1.825 | 1.839 | 1.853 | 1.867 | 1.883 | 1.899 | 1.915 | 1.929 | 1.943 |
| 130 percent of No. 2 Fuel Oil in New York City Threshold | 7.170 | 7.260 | 7.410 | 7.110 | 7.360 | 8.040 | 7.840 | 7.380 | 7.400 | 7.400 | 7.450 | 7.530 |
| | | | | | | Calendar Year 1981 | | | | | | |
| Incremental Pricing Threshold | 1.891 | 1.908 | 1.925 | 1.942 | 1.954 | 1.967 | 1.980 | 1.990 | 2.000 | 2.010 | | |
| NGPA Section 102 Threshold | 2.667 | 2.698 | 2.729 | 2.761 | 2.787 | 2.813 | 2.840 | 2.863 | 2.886 | 2.909 | | |
| NGPA Section 109 Threshold | 1.957 | 1.975 | 1.993 | 2.011 | 2.024 | 2.037 | 2.050 | 2.060 | 2.070 | 2.080 | | |
| 130 percent of No. 2 Fuel Oil in New York City Threshold | 7.610 | 7.960 | 8.260 | 9.010 | 9.510 | 9.430 | 9.360 | 9.260 | 8.860 | 8.700 | | |

[FR Doc. 81-28073 Filed 9-25-81; 8:45 am]

BILLING CODE 6450-85-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Social Security Administration**

**20 CFR Part 404**

**[Regulation No. 4]**

## Federal Old-Age, Survivors, and Disability Insurance Benefits; Payment for Medical Evidence of Record

*Correction*

In FR Doc. 81-26768 appearing at page 45756 in the issue for Tuesday, September 15, 1981, please make the following correction:

On page 45757, in the third column, the Part 404 heading is incorrect. The heading for Part 404 should have read as follows:

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

BILLING CODE 1505-01-M

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**20 CFR Part 404**

## Federal Old-Age, Survivors, and Disability Insurance; Decreased Retroactivity of Benefit Applications

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Social Security Administration has revised its regulations to implement section 1011 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499), which reduces from 12 months to 6 months the maximum retroactivity of applications for Social Security insurance benefits that are not based on the worker's disability or the disability of a widow or widower.

**DATE:** These amendments are effective with respect to applications filed after February 1981.

**FOR FURTHER INFORMATION CONTACT:** Cliff Terry, Legal Assistant, Room 3-B-4 Operations Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7519.

**SUPPLEMENTARY INFORMATION:**

### Statutory Basis

Our prior regulations provided that 12 months was the maximum retroactivity for all applications for Social Security monthly insurance benefits under title II of the Social Security Act (the Act), except special age 72 payments. This was the rule in the Act before enactment of the Omnibus Reconciliation Act of 1980, Pub. L. 96-499, on December 5, 1980. Under section 1011 of Pub. L. 96-499, the maximum retroactivity is 6 months, instead of 12 months, for applications filed after February 1981 for old-age benefits, widow's and widower's benefits not based on disability, wife's, husband's, and child's benefits based on the earnings record of a person not entitled to disability benefits, and mother's, father's, and parent's benefits.

### The Revised Regulations

These revisions change our regulations to reflect the Act as amended. The change means that where people do not apply for the affected types of benefits until after the first month for which they could have been entitled, they will receive them for no more than 6 months before the month they apply, even if they could have been entitled for more than 6 months.

The applications that still have a maximum retroactivity of 12 months are those for worker's disability benefits, widow's and widower's benefits based on disability, and wife's, husband's, and child's benefits based on the earnings record of a worker entitled to disability benefits.

Like the prior regulations and in accordance with the Act, the revised regulations, with certain exceptions, preclude retroactivity for applications for old-age, wife's, husband's, widow's and widower's benefits that would be reduced because of the applicant's age.

### Regulatory Procedural Requirements

We are publishing these regulations as a final rule without prior Notice of Proposed Rule Making and opportunity for public comment because we believe that notice and comment are "unnecessary" within the meaning of 5 U.S.C. 553(b)(B). Notice and comment are unnecessary because Section 1011 of Pub. L. 96-499 mandates the substance of the revision of the regulations.

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

These regulations contain no reporting or record-keeping requirements which increase existing paperwork involved in processing applications for Social Security benefits.

(Secs. 202(j)(1), 205, and 1102 of the Social Security Act, as amended; sec. 1011 of Pub. L. 96-499; 49 Stat. 623, 624, and 647, as amended; 94 Stat. 2655; 42 U.S.C. 402(j)(1), 405, and 1302)

(Catalog of Federal Domestic Assistance Program Nos. 13.803, Social Security—Retirement Insurance; and 13.805, Social Security—Survivors Insurance)

Dated: August 4, 1981.

**John A. Svahn,**

*Commissioner of Social Security.*

Approved: September 8, 1981.

**Richard S. Schweiker,**

*Secretary of Health and Human Services.*

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

Subpart G of 20 CFR Part 404 is amended as follows:

1. Section 404.603(b) is revised to read as follows:

**§ 404.603 You must file an application to receive benefits.**

In addition to meeting other requirements, you must file an application to become entitled to benefits. If you believe you may be entitled to benefits, you should file an application. Filing an application will—

* * * * *

(b) Protect your entitlement to any benefits that may be payable for as many as 6 months or 12 months (depending on the type of benefit, as explained in § 404.621) before the application was filed; and

* * * * *

2. Section 404.621(a)(1) and the material in § 404.621(a)(2) preceding paragraph (a)(2)(i) are revised to read as follows:

**§ 404.621 Filing after the first month you meet the requirements for benefits.**

(a) *Filing for disability benefits and for old-age, survivors', or dependents' benefits.* (1)(i) If you file an application for disability benefits, widow's or widower's benefits based on disability, or wife's, husband's, or child's benefits based on the earnings record of a person entitled to disability benefits, after the first month you could have been entitled to them, you may receive benefits for up to 12 months immediately before the month in which your application is filed. Your benefits may begin with the first month in this 12-month period in which you meet all the requirements for entitlement. However, entitlement to wife's or husband's benefits under this rule is limited by paragraph (a)(1)(iii) of this section.

(ii) If you file an application for old-age benefits, widow's or widower's benefits not based on disability, wife's, husband's, or child's benefits based on the earnings record of a person not entitled to disability benefits, or mother's, father's, or parent's benefits, after the first month you could have

been entitled to them, you may receive benefits for up to 6 months immediately before the month in which your application is filed. Your benefits may begin with the first month in this 6-month period in which you meet all the requirements for entitlement. However, entitlement to old-age, wife's, husband's, widow's, or widower's benefits under this rule is limited by paragraph (a)(1)(iii) of this section.

(iii) If the effect of the payment of benefits for a month before the month you file would be to reduce your benefits because of your age, you cannot be entitled to old-age, wife's, husband's, widow's, or widower's benefits for any month before the month in which your application is filed, unless you meet one of the conditions in paragraph (a)(2) of this section. (An explanation of the reduction that occurs because of age if you are entitled to these benefits for a month before you reach the retirement age of 65, is in § 404.410.) An example follows that assumes you do not meet any of the conditions in paragraph (a)(2) of this section.

*Example:* You become 65 years old in April 1981. If you apply for old-age benefits in April, you cannot be entitled to benefits for months in the 6-month period before April because the payment of benefits for any of these months would result in your benefits being reduced for age. If you do not file your application until July 1981, you may be entitled to benefits for the months of April, May, and June 1981 because the payment of benefits for these months would not result in your benefits being reduced for age. You will not, however, receive benefits for the 3 months before April.

(2) The limitation in paragraph (a)(1)(iii) of this section on your entitlement to old-age, wife's, husband's, widow's, or widower's benefits for months before you file an application does not apply if—

* * * * *

3. The material in § 404.622 preceding paragraph (a) is revised to read as follows:

**§ 404.622 Limiting an application.**

Your application may entitle you to benefits for up to 6 months or 12 months (depending on the type of benefit, as explained in § 404.621) before the month in which it is filed. You may limit the number of months of your entitlement in the 6-month or 12-month period. You may state this choice any time before a decision is made on your claim by indicating, in writing, the month you want your benefits to begin. You may change the first month of entitlement in this 6-month or 12-month period after a decision has been made on your claim under the following conditions:

* * * * *

[FR Doc. 81-28093 Filed 9-25-81; 8:45 am]
BILLING CODE 4110-07-M

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## 20 CFR Part 416

## Supplemental Security Income for the Aged, Blind, and Disabled; Interim Assistance Provisions

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** These final regulations reorganize and restate in simpler language our rules on interim assistance provisions under the Supplemental Security Income (SSI) program. Our purpose is to make these rules clearer and easier for the public to use. These rules explain the interim assistance provisions contained in section 1631(g) of the Social Security Act. They permit the Social Security Administration (SSA) to enter into an agreement with a State to repay the State (or a political subdivision of the State) for interim assistance it gives an individual while his or her application for SSI is pending. They permit SSA to withhold an individual's first SSI benefit payment and send it to the State as repayment for interim assistance, upon the individual's written authorization. A policy change being incorporated in these rules will allow the authorization to go into effect not only when SSA receives it, but also (if our agreement with the State allows) when we receive notice from the State that it has received an authorization. These rules also state that we have revised the definition of "SSI benefit payment." The revised definition provides that we will not consider presumptive disability or presumptive blindness payments SSI benefit payments for interim assistance purposes.

**EFFECTIVE DATE:** These regulations are effective on September 28, 1981.

**FOR FURTHER INFORMATION CONTACT:** Clara Powell, Legal Assistant, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Md. 21235, phone, (301) 594-7459.

**SUPPLEMENTARY INFORMATION:** We have rewritten Subpart S of 20 CFR Part 416 to make these rules clearer and easier for the public to use. We published a Notice of Proposed Rulemaking (NPRM) on April 21, 1980 (45 FR 26719), with a 60-day comment period. A number of comments were received and are discussed under the subheading titled Discussion of Comments.

### Sections Retitled and Rearranged

We have rearranged the sections in this Subpart S in a more logical sequence. We have retitled and rewritten the sections in clear, plain language. We have added subtitles to highlight important rules and make them easier to find.

### Definitions

We have rewritten and expanded the definitions in this subpart. These definitions are in § 416.1902.

### Authorizations

The rules in §§ 416.1904–416.1908 explain that a claimant for SSI benefits may authorize SSA to withhold his or her first SSI benefit payment and send it to the State to repay the State for interim assistance it gave the claimant while the SSI application was pending. The rules explain that in order to send the first SSI benefit payment to a State (or a political subdivision of a State), SSA must have an interim assistance agreement with the State. The rules also explain when an individual's authorization goes into effect, how long it remains in effect, and when the State must obtain another authorization.

### Interim Assistance Agreements

The rules in § 416.1910 describe the requirements that must be part of an interim assistance agreement between SSA and the State. SSA must agree to repay the State (or a political subdivision of the State) for interim assistance the State gives a claimant who has authorized SSA to withhold SSI benefit payments. The State must agree to pay any excess repayment to the SSI beneficiary (or to SSA if the State cannot pay the beneficiary). The State must agree: (1) to notify the SSI beneficiary about the amount of interim assistance SSA repaid, and about any excess amount due the beneficiary; and (2) to give the beneficiary an opportunity for a hearing if he or she disagrees with the State's actions regarding repayment of interim assistance. SSA and the State must agree to the length of time the agreement will be in effect. The State must agree to comply with any other regulations that SSA finds necessary to administer the interim assistance provisions.

### Appeals

The rules in §§ 416.1920–416.1922 describe the SSI beneficiary's appeal rights in the State and in SSA.

### Discussion of Comments

As previously indicated, we received a number of comments on the NPRM