

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

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 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes certificated in all categories listed in Boeing Service Bulletin 737-53-1031, Revision 3, dated October 28, 1983. To prevent rapid decompression resulting from undetected cracking of the wing-to-body drag angle, accomplish the following (unless previously accomplished) prior to the accumulation of 8,000 landings on Group I airplanes, or 35,000 landings on Group II airplanes, or within 1 year or 4,000 landings from the effective date of this AD, whichever occurs later:

A. Visually inspect the upper drag angles for cracks in accordance with the Flight Safety Addendum of Boeing Service Bulletin 737-53-1031, Revision 3, or later FAA approved revisions. Repeat the visual inspections at intervals not to exceed 4,000 landings.

B. Replace or modify cracked upper drag angles before further flight in accordance with Boeing Service Bulletin 737-53-1031, Revision 3, or later FAA approved revisions. Repeat the visual inspections at intervals not to exceed 4,000 landings.

C. Modification of airplanes in accordance with Accomplishment Instructions, Part II Replacement Data, of Boeing Service Bulletin 737-53-1031, Revision 3, or later FAA approved revisions, constitutes terminating action for this AD.

D. Airplanes may be flown to a maintenance base for drag angle replacement or modification in accordance with FAR 21.197 and 21.199 with prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. For purposes of complying with the AD, subject to acceptance by the assigned FAA Principal Maintenance Inspector, the number of landings may be determined by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the airplane type.

F. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, Northwest Mountain Region, Seattle, Washington.

G. Upon request by the operator, an FAA Principal Maintenance Inspector, subject to prior approval by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals in this AD, if the request contains substantiating data to justify the increase for the operator.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. These documents

may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 11, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430 and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on January 30, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-3446 Filed 2-8-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 84-NM-40-AD; Amdt. 39-5001]

Airworthiness Directives; British Aerospace Model HS 748 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain British Aerospace Model HS 748 airplanes which requires inspections, modifications, and repairs, as necessary, to passenger and cargo door components to correct certain unsafe conditions relative to improper door closing, jamming, and false closing indications. This action is necessary to ensure that all doors properly close and lock.

EFFECTIVE DATE: March 11, 1985.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, telephone: (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The United Kingdom Civil Aviation Authority (CAA) in accordance with existing provisions of a bilateral agreement, notified the FAA of a number of unsafe conditions that may exist on the passenger and cargo door components of British Aerospace Model HS 748 airplanes. These may be corrected by incorporating ten (10)

separate mandatory service bulletins. These service bulletins prescribe inspections, modifications, and repairs, as necessary, to passenger and cargo door components.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the action mentioned above was published in the Federal Register on September 11, 1984 (49 FR 35644). The comment period closed on October 29, 1984, and interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received.

It is estimated that five airplanes of U.S. registry will be affected by this AD, that it will take approximately 160 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Repair parts are estimated at \$3,000 per airplane. Based on these figures, the total cost impact of this AD is estimated to be \$47,000.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, British Aerospace Model HS 748 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of 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:

British Aerospace: Applies to Model HS 748 airplanes, certificated in all categories, which are listed in the British Aerospace service bulletins specified below. Compliance is required within the time interval specified in each of the following paragraphs, unless previously accomplished:

A. To ensure the baggage door properly locks from the interior, within 180 days after the effective date of this airworthiness directive (AD), modify the baggage door in accordance with British Aerospace HS 748 Service Bulletin 52/94, dated May 14, 1982.

B. To ensure the passenger and crew/freight doors properly lock, within 180 days after the effective date of this AD, modify the doors in accordance with British Aerospace HS 748 Service Bulletin 52/95, dated May 14, 1982.

C. To prevent false door warnings on baggage, passenger, and crew/freight doors, within 180 days after the effective date of this AD, modify the doors in accordance with British Aerospace HS 748 Service Bulletin 52/96, dated May 14, 1982.

D. To ensure passenger, baggage, and crew/freight doors properly lock, within 90 days after the effective date of this AD, install warning decals to the interior trim of the doors in accordance with British Aerospace HS 748 Service Bulletin 52/97, dated May 14, 1982.

E. To prevent false door warnings on baggage and crew/freight doors, within 180 days after the effective date of this AD, modify the doors in accordance with British Aerospace HS 748 Service Bulletin 52/98, dated May 14, 1982.

F. To ensure the large freight door properly locks, within 90 days after the effective date of this AD, install warning decals to the interior trim of the door in accordance with British Aerospace HS 748 Service Bulletin 52/100, dated May 14, 1982.

G. To prevent failure of the crew/freight door locking mechanism swivel lever, within 90 days after the effective date of this AD, inspect the swivel levers in accordance with British Aerospace HS 748 Service Bulletin 52/101, Revision 1, dated December 1983. If necessary, replace parts in accordance with the service bulletin instructions. Repetitive inspections must be performed in accordance with the service bulletin instructions.

H. To ensure the integrity of door sills and secondary locking mechanisms, inspect the passenger, baggage, and crew/freight doors (including the large freight door), within 180 days after the effective date of this AD, in accordance with British Aerospace HS 748 Service Bulletin 52/106, dated November 1982. If necessary, replace parts in accordance with the service bulletin instructions. Repetitive inspections must be performed in accordance with the service bulletin instructions.

I. To provide an audible door unsafe warning on all airplanes, except Model 235, within 180 days after the effective date of this AD, install an audible warning system in accordance with British Aerospace HS 748 Service Bulletin 52/109, dated October 13, 1982.

J. To provide an audible door unsafe warning on Model 235 airplanes, within 180 days after the effective date of this AD, install an audible warning system in accordance with British Aerospace HS 748 Service Bulletin 52/110, dated October 13, 1982.

K. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle

Aircraft Certification Office, FAA, Northwest Mountain Region.

L. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This amendment becomes effective March 11, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on January 30, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-3445 Filed 2-6-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: We are amending our regulation, § 416.210, that implements section 1611(e)(2) of the Social Security Act (Act) which requires that Supplemental Security Income (SSI) applicants and beneficiaries apply for other benefits for which they may be eligible. The existing regulations provide that individuals are not eligible for SSI benefits if they do not apply for other benefits when notified to do so by the Social Security Administration (SSA). These benefits include payments received as annuities, pensions, retirement benefits, and disability benefits. We are amending the regulations by adding earned income tax credits (EITC's) as payments individuals must apply for in order to be eligible for SSI benefits. Individuals who are eligible for advanced payment of EITC's must apply for them. Individuals with a past period of employment or who are self-employed must apply for EITC's with their tax returns. EITC payments are made under the provisions of sections 43 and 3507 of the Internal Revenue Code. These payments became countable as earned income for SSI purposes effective January 1, 1980, with the enactment of Pub. L. 96-222 (section 101(a)(2)(B)). We published a Notice of

Proposed Rulemaking on August 17, 1983 (48 FR 37228). Comments received are discussed in this preamble.

DATE: These rules are effective February 11, 1985.

FOR FURTHER INFORMATION CONTACT: Dave Smith, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7460.

SUPPLEMENTARY INFORMATION: We are revising our rules on eligibility for SSI benefits that require that individuals apply for other benefits when SSA notifies them to do so. Section 1611(e)(2) of the Act states that individuals must apply for other benefits of a certain type (when SSA notifies them to do so) as a requirement for eligibility for SSI benefits. Section 416.210 of the existing regulations implements this section and describes the other benefits as including pensions, retirement and disability benefits, veterans' compensation and pensions, and other like payments. These regulations specify EITC's as another benefit for which individuals will have to apply upon notification by SSA. EITC's are payable under the Internal Revenue Code (sections 43 and 3507) to individuals who meet certain qualifications of family composition and low earnings.

Thus, for purposes of obtaining or continuing to receive SSI benefits, individuals are now required to apply to employers for advance payment of EITC's, or if the income is available because of past employment, or if the individuals are self-employed, to apply with their personal income tax returns. Regulations implementing Pub. L. 96-222, section 101(a)(2)(B), which provides that EITC's are earned income for SSI purposes as of 1980, were published May 24, 1983 (48 FR 23177).

Section 1611(e)(2) of the Act requires individuals to take all appropriate steps to apply for and obtain payments of the type enumerated in section 1612(a)(2)(B). The existing regulation § 416.210 reflects this requirement and lists examples of the types of payments SSI claimants must apply for and obtain. We believe that EITC's should be added as another example of the type of income that is listed in § 416.210(b) and for which applications must be filed as a requirement for SSI eligibility. EITC's are of the same type as those payments already cited in the statute and the regulations. They also require application or similar action. They entail conditions for eligibility. They, like at least some of the other payments, are available on a periodic or one-time basis. Finally, they are a source of income that will reduce the amount of,

or obviate the need for, an SSI benefit. Including EITC's as one type of payment that an individual must request or apply for is consistent with the recognized purpose of the SSI program—that is, to use SSI as a program of last resort for needy aged, blind, and disabled individuals. This theme runs throughout the legislative background of the program. The Congress envisioned that needy aged, blind, and disabled individuals would have to exhaust other means of support available to them before qualifying for SSI benefits. EITC's which are available upon request to low income individuals provide one means of support. These payments are available to individuals who qualify for them if received would serve to obviate the need for SSI benefits or at least reduce the amount payable under the SSI program.

Requiring SSI claimants who qualify for EITC's to apply for them is to their financial advantage. Receipt of the payments increases their overall current income. Under the SSI program an EITC is treated as earned income. Since less than half of an individual's earned income is counted in determining an SSI benefit payment, individuals will have more overall income available to meet their current subsistence needs.

We are revising § 416.210 by adding EITC's as an example of the type of payment for which qualified individuals must apply if they wish to be eligible for or continue to receive SSI benefits.

Comments Received Following Publication of Notice of Proposed Rulemaking

We received three comments from one source. Two comments were combined to facilitate our response.

Comment: The regulation appears to go beyond the scope of 42 U.S.C. 1382a(a)(2)(B) (section 1612(a)(2)(B) of the Act), which defines the other benefits which an SSI applicant must apply for pursuant to 42 U.S.C. 1382(e)(2) (section 1611(e)(2) of the Act) as:

any payment received as an annuity, pension, retirement, or disability benefit, including veterans' compensation and pensions, workmen's compensation payments, old-age, survivors, and disability insurance benefits, railroad retirement annuities and pensions, and unemployment insurance benefits;

The benefits described neither explicitly nor implicitly extend to EITC's.

Response: It is true that EITC's are not explicitly set out in section 1612(a)(2)(B) of the Act. We believe, however, that reading section 1611(e)(2) as limited only to the benefits specifically described in section 1612(a)(2)(B) is at variance with the recognized legislative purpose of the SSI program. The purpose

was to use SSI as a program of last resort. This theme runs throughout the legislative background to the program, and is specifically discussed in the context of the provisions of section 1611(e)(2) that require SSI claimants to file for other benefits. (See, S. Rept. No. 92-1230 92d Cong., 2d Session 386 (1972)). Congress envisioned that an individual would have to exhaust other means of support before coming to the SSI program. When section 1611(e)(2) was enacted, Congress could not have specifically required that an individual file for EITC's because they were not provided for in the Internal Revenue Code until 1975. These payments are countable as income under the SSI program. For all these reasons, we do not think they should be excluded from the requirement to file. If an individual is not required to apply for an EITC in those situations in which he or she is entitled to a payment merely because EITC's are not specifically mentioned in section 1612(a)(2)(B), reliance on the specific list of benefits in the SSI statute would bring about a result contrary to legislative intent. Therefore, we believe that section 1611(e)(2) can be read as requiring individuals who are eligible for EITC's to file for those payments in order to be eligible for SSI benefits.

Comment: It may well be impossible, given the amount of time which is required for the IRS to process income tax returns, for an individual to meet the requirement of 42 U.S.C. 1382(e)(2) (§ 1611(e)(2) of the Act) that an individual must take all appropriate steps "to apply for and (if eligible) obtain" benefits within 30 days. Similar difficulties may be encountered in attempting to formulate time frames within which employers would be required to process and make payment on advance EITC's. Also, it would appear extremely harsh to require individuals with mental disabilities, who lack the capacity to respond to the most basic inquiries, to apply for EITC's.

Response: The regulation does not require that an individual actually obtain EITC's or advance EITC's within 30 days. Rather, it requires that an individual apply for (file an application and do whatever else is needed to establish eligibility) the EITC's within 30 days once notified in writing that he or she may be eligible. Section 416.210(e)(2) of the regulations provides that an individual will not be found ineligible for SSI benefits if he or she has a good reason for not applying for other benefits within 30 days. We have developed appropriate procedures to assist the individual when it appears necessary, particularly when there is an indication of an individual's lack of

capacity to take required steps to pursue benefits or payments due, including an individual's inability to apply for EITC's.

Regulatory Procedures

Executive Order 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation, because only about 3 percent of SSI beneficiaries have earned income and only a fraction of these may qualify for EITC's. Therefore, a regulatory impact analysis not required.

Paperwork Reduction Act

These regulations impose no additional reporting or recordkeeping requirements for SSI beneficiaries that require clearance by the Office of Management and Budget (OMB). SSA has clearance for form SSA-8150, on which beneficiaries report income (OMB No. 0960-0128). However, a new form, SSA-L8050, is used by SSA to notify an SSI claimant to apply for EITC's and by an employer to verify that the claimant has applied for advance payment of EITC's when the claimant is unable to furnish evidence of eligibility for such payments. OMB has approved this additional reporting form (OMB No. 0960-0324).

Regulatory Flexibility Act

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

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled Public assistance programs, Supplemental Security Income (SSI).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: July 9, 1984.

Martha A. McSteen,
Acting Commissioner of Social Security.

Approved: November 29, 1984.

Margaret M. Heckler,
Secretary of Health and Human Services.

PART 416—[AMENDED]

Part 416 Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart B reads as follows:

Authority: Secs. 1102, 1110, 1602, 1611, 1614, and 1631 of the Social Security Act as amended, Secs. 211 and 212 of Pub. L. 93-86, 49 Stat. 647 as amended, 94 Stat. 474, 86 Stat. 1465, 86 Stat. 1466, 86 Stat. 1471, and 86 Stat. 1475; 42 U.S.C. 1302, 1310, 1381a, 1382, 1382c, and 1383.

2. In § 416.210, paragraph (b) is revised to read as follows:

§ 416.210 You do not apply for other benefits.

(b) What "other benefits" includes. "Other benefits" includes any payments for which you can apply that are available to you on an ongoing or one-time basis of a type that includes annuities, pensions, retirement benefits, or disability benefits. For example, "other benefits" includes veterans' compensation and pensions, worker's compensation payments, Social Security insurance benefits, unemployment insurance benefits and earned income tax credits (EITC's) payable under Section 43 and 3507 of the Internal Revenue Code. You will be required to apply to your employer for advance payment of EITC's, if a past period of employment is involved, or if your earned income is derived from self-employment, you will be required to apply with your personal income tax return.

[FR. Doc. 85-3326 Filed 2-9-85; 8:45 am]

BILLING CODE 4190-11-M

20 CFR Part 416

[Regulation No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Presumptive Disability and Presumptive Blindness; Categories of Impairments—AIDS

AGENCY: Social Security Administration, HHS.

ACTION: Interim regulations with request for comments.

SUMMARY: We pay benefits to a person applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination when available information indicates a high probability that disability exists. These presumptive disability and blindness decisions may be made at the Social Security district offices for some impairment categories. We are adding AIDS as defined by the Centers for Disease Control, where the disease has progressed to the point where the individual is unable to work, to these categories in view of the

predictability that the disease will result in a finding of disability.

DATES: These interim regulations are effective February 11, 1985. Written comments may be submitted by April 12, 1985.

ADDRESSES: Send your written comments to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or deliver them to the Office of Regulations, Social Security Administration, 3-A-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: William J. Ziegler, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone (301) 594-7415.

SUPPLEMENTARY INFORMATION: Section 1631(a)(4)(B) of the Social Security Act (the Act) provides that a claimant applying for supplemental security income benefits based on disability or blindness may receive up to 3-months payments prior to the determination of the individual's disability or blindness, if he or she is presumptively disabled or blind and otherwise eligible. Any such payments based on presumptive disability or blindness are not considered overpayments if it is later determined that the person is not disabled or blind, unless the person is disallowed benefits due to excessive income or resources, or it is later determined that the amount of the payment was incorrectly calculated.

A presumptive disability or presumptive blindness decision is made either at the district office or the State agency in cases where the available evidence or other information, including observations and confirming contacts, while not sufficient for a final determination of disability or blindness, indicates a high degree of probability that the claimant is disabled or blind.

Generally, a presumptive finding of disability or blindness made at the State agency may be based on any impairment when the evidence is sufficient to determine that there is a high degree of probability that the finding will later be confirmed when complete evidence is obtained.

On the other hand, district office decisions are restricted to impairment categories for which experience has shown that particularly reliable presumptive disability and presumptive

blindness decisions can be made. The district office may make presumptive disability and blindness decisions in those situations specified in 20 CFR 416.934, where the claimant's statements about his medical condition are consistent with observations of the district office representative or supported by confirming contacts. These limitations insure that presumptive decisions are seldom reversed when actual medical evidence is obtained for the formal disability or blindness determinations.

We are adding acquired immune deficiency syndrome (AIDS) to the impairment categories in § 416.934 to permit presumptive disability decisions for this disease at district offices.

AIDS is a newly identified disease, now defined by the Centers for Disease Control (CDC), as a disease, at least moderately predictive of a defect in cell-mediated immunity, occurring in a person with no known cause for diminished resistance to that disease. Such diseases include pneumocystis carinii pneumonia, Kaposi's sarcoma, and severe opportunistic infections. The diagnoses are considered to fit the case definition only if based on sufficiently reliable methods (generally histology and culture). After an increasing number of reports of these illnesses and much analysis by CDC scientists, it became clear that the diseases themselves were manifestations of another more fundamental problem—a severe deficiency in a person's immune system, that is, loss of the body's natural ability to resist certain kinds of diseases. The symptoms and signs of AIDS are non-specific and the disease continuously increases in severity. Individuals with AIDS often experience severe illness from infections or diseases which ordinarily do not have serious effects on or do not occur in healthy individuals. In individuals with AIDS, these infections or diseases have been reported to have an exceedingly high death rate. The death rate for those persons who contracted AIDS before 1981 is 85 percent. No patient so far has regained lost immunity. Our case experience to date indicates that a claim with a confirmed diagnosis of CDC defined AIDS is almost always allowed for medical reasons (some are denied for nondisability factors).

The district office interviewer may make a presumptive disability decision when a claimant, who is not working, alleges disability due to AIDS after a confirming contact has been made to ascertain that this disease, as defined by CDC, has been diagnosed and that it has progressed to the point that the

individual is unable to work. Confirmation of this should be by contact with a physician or some other medical or treating source, such as a member of a hospital or clinic staff who is able to confirm the diagnosis and level of severity on the basis of available medical records. This confirming contact may be made by telephone. The presumptive disability decision may be made immediately upon confirmation of the diagnosis and the level of severity to which the disease has progressed and will not be delayed for the receipt of the actual medical reports or records. A final disability determination will be made later when sufficient medical evidence is received by the State agency.

This presumptive disability category for AIDS will be effective for 3 years. Because of the dynamic nature of research concerning the diagnosis, evaluation, and treatment of AIDS, this impairment category will require periodic review and reassessment. We intend to carefully monitor these regulations over a 3-year period by providing for ongoing evaluation of the impairment category to determine whether they will need to be revised and updated to reflect advancements in scientific knowledge concerning this disease. Therefore, 3 years after publication of these regulations, they will cease to be effective unless extended by the Secretary or revised and promulgated again as a result of the findings from the evaluation period.

We are publishing these amendments to the regulations as interim final rules instead of proposed rules. The Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides exceptions to its notice and public comment rulemaking procedures when an agency finds that there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We find that at this time publication of a notice of proposed rulemaking is unnecessary and contrary to the public interest under the APA. The purpose of these regulations is to provide immediate financial relief to individuals with AIDS who are obviously disabled under the law and who are already financially impoverished due to insufficient income and resources. Because of the severity of this disease, experience has demonstrated that only in rare and unusual cases would disability not be ultimately established on the basis of the medical evidence. In view of the extremely high death rate for this disease, our objective is to make

disability payments as soon as possible. Therefore, we think that delaying publication of final regulations would serve little practical purpose and would be especially detrimental to those persons who need immediate assistance.

Although we are publishing these regulations to be immediately effective on an interim basis, we are asking for comments concerning these rules from members of the public. After the end of the comment period, we will carefully consider any comments we receive in order to determine whether any changes are necessary before issuing final rules.

Executive Order 12291

These interim regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major rule. The cost of implementing this presumptive disability provision is negligible. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these interim regulations will not have a significant economic impact on a substantial number of small entities because they only affect a small number of disability claimants under Title XVI of the Social Security Act.

Paperwork Reduction Act

These interim regulations impose no reporting/record/keeping requirements necessitating clearance by the Office of Management and Budget.

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

(Catalog of Federal Domestic Program No. 13.807, Supplemental Security Income Program)

Dated: February 21, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approval: April 11, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

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

For the reasons set out in the preamble, Part 416, Subpart I, Chapter III of Title 20, Code of Federal Regulations, is amended as set forth below.

Subpart I—Determining Disability and Blindness

1. The authority citation for Subpart I reads as follows:

Authority: Secs. 1102, 1614, and 1631 of the Social Security Act; 49 Stat. 647, as amended, 86 Stat. 1471, as amended by 88 Stat. 52, 86 Stat. 1475; 42 U.S.C. 1302, 1382c, and 1383.

2. Section 416.934 is amended by revising the introductory paragraph and by adding a new paragraph (k) to read as follows:

§ 416.934 Impairments which may warrant a finding of presumptive disability or presumptive blindness.

We may make findings of presumptive disability and presumptive blindness in specific impairment categories without obtaining any medical evidence. These specific impairment categories are—

(k) Allegation of acquired immune deficiency syndrome (AIDS), as defined by the Centers for Disease Control. This category is effective for 3 years unless extended by the Secretary or revised and promulgated again.

[FR Doc. 85-3325 Filed 2-8-85; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Parts 610 and 660

[Docket No. 81N-0417]

Additional Standards for Anti-Human Globulin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing additional standards for Anti-Human Globulin. The additional standards include many of the recommendations in FDA's existing guidelines as well as changes and additions that reflect recent experience and scientific knowledge in the use of Anti-Human Globulin.

DATES: Effective May 13, 1985; labeling requirements become effective February 11, 1986, for all affected products initially introduced or initially delivered for introduction into interstate commerce. For more information about the effective date, see the discussion under the heading "Paperwork Reduction Act of 1980."

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Center for Drugs and Biologics (HFN-368), Food and Drug