

the affected facilities. It would also not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic markets.

The Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities. Only about 50 facilities are directly affected by this rule. This does not constitute a "significant number" of small entities. In addition, the entire annual reporting burden for all affected facilities is estimated to be approximately 250 hours. This should not cause a significant economic impact on the affected entities.

List of Subjects in 9 CFR Part 114

Animal biologics.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Accordingly, the interim rule amending 9 CFR Part 114 which was published at 51 FR 37383-37384 on October 22, 1986, is adopted as a final rule without change.

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 7th day of July, 1987.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 87-15772 Filed 7-10-87; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AWP-18]

Revocation of Lovelock, NV; Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Lovelock, Nevada, transition area. The Lovelock, Nevada, VORTAC was recently relocated and instrument approach procedures utilizing the old VORTAC were canceled. There are no

plans to develop new instrument approach procedures.

EFFECTIVE DATE: 0901 UTC, September 24, 1987.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace and Procedures Specialist, Airspace and Procedures Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90260; telephone (213) 297-1648.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revokes the description of the Lovelock, Nevada, transition area. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor amendment in which the public would not be particularly interested. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 25, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71), is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g)

(Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Lovelock, NV [Removed]

Issued in Los Angeles, California, on July 2, 1987.

James A. Holweger,
Assistant Manager, Air Traffic Division,
Western-Pacific Region.

[FR Doc. 87-15762 Filed 7-10-87; 8:45 am]

BILLING CODE 4910-13-M.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 6, 10, 18, 19, 54, 123, 141, 143, 144, and 145

[T.D. 87-75]

Elimination of Various Customs Forms and Certain Information Collection Requirements; Correction

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 87-12255, published as T.D. 87-75 on May 29, 1987 (52 FR 20064), numerous changes were made to sections of the Customs Regulations to eliminate Customs forms that are obsolete and to eliminate information collection requirements that are obsolete or unduly burdensome. One of the forms eliminated, Customs Form 5119-A, Informal Entry, has two versions—a serially numbered and a non-serially numbered. It was intended to eliminate only the non-serially numbered version. However, that qualifying phrase was omitted from the document thereby giving the impression that both versions are being eliminated. This document clarifies that only the non-serially numbered version of Customs Form 5119-A is being eliminated.

EFFECTIVE DATE: June 29, 1987.

FOR FURTHER INFORMATION CONTACT: Charles Bartoldus, Office of Cargo Enforcement and Facilitation (202-566-8151).

SUPPLEMENTARY INFORMATION:

Background

T.D. 87-75, published in the Federal Register on May 29, 1987 (52 FR 20064),

made numerous changes to the Customs Regulations to eliminate Customs forms that are obsolete and to eliminate information collection requirements that are obsolete or unduly burdensome.

Customs Form 5119-A, Informal Entry, is used by importers to enter low value merchandise. There are two versions of Customs Form 5119-A, a serially numbered and a non-serially numbered. As explained in T.D. 87-75, Customs has revised the Customs Form 7501, Entry Summary, so that it can be used for both formal as well as informal entries. Accordingly, Customs Form 7501 can replace Customs Form 5119-A, but only the non-serially numbered version. The serially numbered version of Customs Form 5119-A is still a necessary form used by Customs as an entry document and to collect duty.

Since it was intended to eliminate only the non-serially numbered version of Customs Form 5119-A, but that qualifying phrase was inadvertently omitted, it created the impression that both versions were being eliminated. To correct that impression, the following corrections are made to T.D. 87-75.

Corrections

1. On page 20064, second column, paragraph numbered "1", fourth sentence, "(non-serially numbered)" is inserted immediately after "Customs Form 5119-A".

§ 6.7 [Correctly amended]

2. On page 20066, in the amendments to Part 6, the following is substituted for paragraph number "2":

2. Section 6.7(b)(3)(ii) is amended by inserting "(serially numbered) or Customs Form 7501", immediately after "5119-A".

§ 10.71 [Correctly amended]

3. On page 20066, in the amendments to Part 10, the following is substituted for paragraph number "18":

18. Section 10.71(f) is amended by inserting "(serially numbered) or an entry summary (Customs Form 7501)", immediately after "5119-A".

§ 123.4 [Correctly amended]

4. On page 20068, in the amendments to Part 123, the following is substituted for paragraph number "2":

2. Section 123.4(b) is amended by inserting "(serially numbered) or Customs Form 7501" immediately after "5119-A".

§ 141.68 [Correctly amended]

5. On page 20068, in the amendments to Part 141, the following is substituted for paragraph number "5":

5. Section 141.68(h) is amended in the following manner:

(a) In the first sentence, "or informal entry" is added immediately after "appraisal entry", and "(serially numbered)" is added immediately after "5119-A".

(b) In the second and third sentences, "(serially numbered)" is added immediately after "5119-A".

§ 143.23 [Correctly amended]

6. On page 20068, in the amendments to Part 143, the following are substituted for paragraph numbers 2, 3, and 4:

2. In § 143.23, the introductory text is amended by inserting "(serially numbered) or Customs Form 7501" immediately after "5119-A".

§ 143.24 [Amended]

3. Section 143.24 is amended in the following manner:

(a) In the section heading, "(Serially Numbered)" is added immediately after "5119-A".

(b) In the second sentence of the section, "(serially numbered) or Customs Form 7501" is inserted immediately after "5119-A".

§ 143.25 [Amended]

4. Section 143.25 is amended by inserting "(serially numbered)" immediately after "5119-A".

§ 145.4 [Correctly amended]

7. On page 20068, in the amendments to Part 145, the following are substituted for paragraph numbers 2 and 3:

2. Section 145.4(c) is amended by inserting "(serially numbered) or 7501" immediately after "5119-A".

§ 145.12 [Amended]

3. Section 145.12 is amended in the following manner:

(a) In paragraph (b)(1), "(serially numbered) or an entry summary (Customs Form 7501)" is inserted immediately after "5119-A".

(b) In paragraph (c), "(serially numbered) or Customs Form 7501" is inserted immediately after "5119-A".

(c) In paragraph (e)(1), "(serially numbered) or entry summary, Customs Form 7501" is inserted immediately after "5119-A".

Dated: July 1, 1987.

B. James Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 87-15776 Filed 7-10-87; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Reg. No. 4]

Social Security Benefits; Deductions for Work Outside the U.S. and U.S. Residence Requirements for Non-Resident Aliens

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: The Social Security Administration (SSA) is amending two regulations on paying Social Security benefits to persons living or working outside the United States (U.S.). The first amendment requires deductions from the Social Security benefits of the auxiliary beneficiaries entitled or deemed entitled on an old-age beneficiary's earnings record when the old-age beneficiary works in excess of 45 hours in a month outside the U.S. and that work is not covered by Title II of the Social Security Act. The second amendment requires certain aliens who are outside the U.S. for over 6 consecutive months to meet a U.S. residence requirement in order to be paid Social Security auxiliary or survivor benefits.

EFFECTIVE DATE: These regulations are effective July 13, 1987.

FOR FURTHER INFORMATION CONTACT: C. H. Campbell, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 597-3408.

SUPPLEMENTARY INFORMATION:

These two regulatory amendments reflect amendments to the Social Security Act (the Act). The provisions of these regulatory amendments are as follows:

The Foreign Work Test Regulation

We are amending the "foreign work test" described in 20 CFR 404.417(b) to reflect the revision of section 203(d) of the Act by section 2661(g)(1) of Pub. L. 98-369 ("The Deficit Reduction Act of 1984"). "Foreign work test" means the amount of noncovered work that can be done outside the U.S. before we apply deductions to the benefits of a Social Security beneficiary and the auxiliary beneficiaries entitled on his or her earnings record.

The "foreign work test" deductions apply to—

(a) A beneficiary who is entitled to benefits under Title II of the Act and is performing noncovered work outside the U.S. (Exception: The deductions do not apply if the beneficiary is age 70 or

older, or is receiving disability insurance benefits, or is receiving child's widow's or widower's benefits based on disability.)

(b) An auxiliary beneficiary who is—

(1) Entitled to wife's, husband's, or child's benefits on the earnings record of an old-age beneficiary who is under age 70 and works in noncovered employment outside the U.S. (*Exception:* The deductions do not apply to wife's or husband's benefits payable beginning January 1985 based on the earnings record of a worker who is eligible for or is receiving old-age benefits when the wife or husband beneficiary has been divorced from the worker for at least 2 years.); or

(2) A beneficiary married to an old-age beneficiary who is under age 70 and engaging in noncovered work outside the U.S., and is thus "deemed" entitled on that worker's earnings record but is actually entitled to someone else's earnings record to mother's or father's benefits or child's benefits based on disability.

Prior to April 20, 1983, subsections (c) and (d) of section 203 of the Act both imposed deductions for any month if a working beneficiary engaged in noncovered remunerative activity outside the U.S. during 7 or more days in that month. Section 309(g) of Pub. L. 98-21 ("The Social Security Amendments of 1983") amended section 203(c) of the Act for months beginning May 1983, to impose deductions if the beneficiary engages in noncovered foreign work "in excess of 45 hours" in any such month. However, that legislation did not similarly amend section 203(d) of the Act (which states the foreign work test for auxiliary beneficiaries when the old-age beneficiary engages in noncovered work outside the U.S.). Congress later amended section 203(d) of the Act by enacting section 2661(g)(1) of Pub. L. 98-369 to adopt the "in excess of 45 hours" test, effective with months beginning with September 1984.

This final rule amends paragraph (b) of § 404.417 of the regulations to provide that, effective for months beginning September 1984, we impose deductions on an auxiliary beneficiary's benefits for a month if the old-age beneficiary, on whose earnings record the auxiliary beneficiary is entitled or deemed entitled, works "in excess of 45 hours" in noncovered employment outside the U.S. during that month. The revised § 404.417(b) also provides that deductions will be imposed on auxiliary benefits for any month prior to September 1984, if such old-age beneficiary engages in noncovered work outside the U.S. during 7 or more days in that month. The amount deducted under

either test is the amount of the auxiliary benefit. As amended, 20 CFR 404.417 reflects different effective dates for the application of the "in excess of 45 hours" foreign work test with respect to deductions from the benefits of the working beneficiary and the auxiliary beneficiary because of the different effective dates of the amendments to subsections (c) and (d) of section 203 of the Act discussed above.

Regulation Establishing U.S. Residence Requirements for Aliens Outside the U.S.

We are revising § 404.460 by adding a new subsection (d). This change reflects section 340 of Pub. L. 98-21 ("The Social Security Amendments of 1983") which added paragraph (11) to section 202(t) of the Act. This statutory provision provides that certain aliens who are outside the U.S. for over 6 consecutive months must satisfy a U.S. residence requirement in order to be paid auxiliary and survivor benefits.

The Aliens Who Must Meet the U.S. Residence Requirements

Paragraph 202(t)(1) of the Act provides for the withholding of an alien's benefits if he or she is outside the U.S. for more than 6 consecutive months. Benefits resume if the alien returns to the U.S. for one full calendar month. However, other provisions under section 202(t) of the Act permit benefits to continue despite the alien's absence from the U.S. for more than 6 consecutive months. The U.S. residence requirement applies to the alien who would otherwise be paid survivor or auxiliary benefits while outside the U.S. because he or she comes under one of the payment continuance conditions of section 202(t)(2) or (4) of the Act listed below:

(a) The alien is a citizen of a country which has a pension or social insurance system of general application that pays periodic benefits because of old-age, retirement, or death to qualified U.S. citizens even though they are not citizens of and do not reside in such country.

(b) The alien is entitled to benefits on the earnings record of a worker who (1) resided in the U.S. for a period, or periods, of 10 or more years; (2) earned 40 or more quarters of coverage; or (3) worked in employment covered by the Railroad Retirement Act while in the U.S. and the work is treated as employment covered by the Social Security Act.

(c) The alien is outside the U.S. because he or she is in the active military or naval service of the U.S.

The U.S. Residence Requirement Provisions

The U.S. residence requirement applies to the alien outside the U.S. for over 6 consecutive months who would be first eligible for auxiliary or survivor benefits after December 31, 1984. For each benefit category, the residence requirements are as follows:

(a) To be paid a child's benefit—

(1) The alien must either have resided for 5 or more years in the U.S. as the child of the worker on whose earnings record benefit entitlement exists, or the worker on whose earnings record the benefit entitlement exists and the other parent, if any, must each have either resided in the U.S. for 5 or more years or died while residing in the U.S.; and

(2) If the alien is entitled as an adopted child, the alien must meet the above requirement and must have been adopted within the U.S. by the worker on whose earnings record benefit entitlement exists and have lived in the U.S. with and received one-half support for a period of at least 1 year's duration from that worker. That 1-year period must begin prior to the alien's 18th birthday and end immediately preceding the month in which the worker became disabled, became eligible for benefits, or died (whichever occurred first).

Note: We are defining "other parent" in this regulation. That term is part of the statutory language stating that the child's parents (i.e., worker and other parent) must have either resided for 5 years in or died in the U.S. for the child to meet the residence requirement if the child did not reside in the U.S. for 5 years. "Other parent" means the parent of the opposite sex of the worker who is: (1) An adoptive parent by whom the child was adopted before the child attained age 16 and who is or was the spouse of the worker on whose earnings record the child is entitled, (2) the natural mother or father of the child, or (3) the step-parent of the child by marriage to the worker prior to the child's attainment of age 16. If a child has more than one "other parent," the requirement is met if any one of the other parents satisfies the U.S. residence requirement.

(b) To be paid a wife's, husband's, widow's, widower's, divorced wife's, divorced husband's, surviving divorced wife's, surviving divorced husband's, surviving divorced mother's, or surviving divorced father's benefits, the alien must have had a spousal relationship with the worker for 5 or more years while residing in the U.S.

(c) To be paid a parent's benefit, the alien must have resided in the U.S. as the parent of the worker for 5 or more years.

Aliens Exempted From the Residence Requirement

The U.S. residence requirement is inapplicable if the auxiliary or survivor alien beneficiary, who is outside the U.S. for over 6 consecutive months, is—

(a) A citizen or resident of a country with which the U.S. has concluded a Social Security totalization agreement which is in force (see section 233 of the Social Security Act), in which case the totalization agreement provisions govern whether this U.S. residence requirement applies;

(b) A national of a country with which the U.S. had a treaty in effect on August 1, 1956 and the U.S. residence requirement would be contrary to the terms of such treaty; or

(c) Entitled to benefits on the earnings record of a worker who died while in the U.S. Armed Forces or as the result of a service connected disease or injury.

Applicability of the U.S. Residence Requirement

The residence requirement rule is a condition for payment of auxiliary and survivor benefits but not old-age or disability insurance benefits. Paragraph (c) of section 340 of Pub. L. 98-21 (which contains the effective date provision of the statutory amendment) does state that the amendment applies to people who become eligible under sections 202 and 223 of the Act. Read literally, this would include old-age and disability benefits. However, the statutory language of section 202(t)(11) of the Act (added by section 340(a)(2) of Pub. L. 98-21) applies the U.S. residence requirement only to benefits payable under subsections (b), (c), (d), (e), (f), (g), and (h) of section 202 of the Act, which are the sections of the Act establishing the auxiliary and survivor benefit categories. Thus, we believe that Congress did not intend to apply the new U.S. residence requirement to old-age and disability beneficiaries.

Response to Public Comments on the Notice of Proposed Rulemaking (NPRM)

A 60-day comment period was provided by the March 4, 1986 NPRM (51 FR 7452). We received comments from three sources.

Comment: It is unfair that an individual cannot perform unrestricted work prior to age 70 without benefits being withheld. This is especially detrimental if the earnings test applies to foreign work.

Response: These regulations implement statutory requirements which we are legally compelled to apply. The foreign work test defines the limit on the amount of noncovered work a

beneficiary can perform while outside the U.S. without losing benefits. Congress intended Social Security benefits to be a partial replacement for earnings lost because of retirement, disability, or death. Consequently, the need for Social Security benefits as replacement income is diminished if a beneficiary continues or resumes work.

Comment: The 45-hour foreign work test is more restrictive with respect to the earnings power of retirees than the 7-day test it replaced.

Response: The 45-day work test gives the retiree greater flexibility in working. For example, a retiree who works 5 hours a day could work for 9 days in a month. Under the 7-day test, a day is used up if the retiree works during any part of that day, even if for less than one hour.

Comment: A fairer test would be to impose deductions only if the person's foreign work averaged more than 45 hours in a month over an extended period. Thus, an individual could work in excess of 45 hours in 1 month and less than 45 hours in the following month and still be paid for both months if the number of hours worked in both months averaged out to less than 45 hours in any one month.

Response: We could not use this approach for two reasons:

(1) It would make the foreign work test almost impossible to administer; and

(2) Even if such an approach were feasible, we believe subsections (c) and (d) of section 203 of the Act could not be interpreted to allow it. Those provisions specifically focus on the number of hours worked during a particular month to determine whether to impose deductions on benefits payable for that particular month.

Comment: Enforcement of the foreign work test by Federal agencies such as the Immigration and Naturalization Service will involve substantial costs.

Response: Enforcement is the responsibility of the Social Security Administration (SSA). While there are administrative costs involved with implementation, they are not expected to be substantial.

Comment: Aliens living across the Mexican/American border who hold a passport or a nonresident alien border crossing card should be exempted from the U.S. residence requirements specified under paragraph 202(t)(11) of the Act. We would make a presumption that these aliens maintained presence in the U.S. and, consequently, the alien nonpayment provisions of paragraph 202(t)(1) of the Act would never go into effect. Therefore, the issue of meeting

the U.S. residence requirement would not arise.

Response: There is no mention under section 202(t) of the Act of this type of exemption to the alien nonpayment provisions. We do not see any basis for establishing a presumption of residence in the U.S. based on mere possession of a passport or border crossing pass.

Comment: Reference is made to aliens, but the NPRM summary does not provide amplification of who this might include.

Response: Aliens are persons who are not U.S. citizens or U.S. nationals. This is explained in 20 CFR 404.460(a).

Comment: Persons excluded from payments because of the new U.S. residence requirement provisions should be excluded from Federal Insurance Contributions Act (FICA) taxes.

Response: These persons are entitled to auxiliary or survivor benefits based on someone else's earnings record. Auxiliary and survivor beneficiaries do not pay FICA taxes on those earnings. Payment of FICA taxes by the auxiliary and survivor beneficiary on his or her own earnings is required by statute. The statute does not exclude that person from paying FICA taxes on his or her own earnings (if covered by Social Security) merely because SSA cannot pay auxiliary or survivor benefits when he or she is outside the U.S. for more than 6 consecutive months.

Comment: No reference is made in these regulatory amendments to a hearing when benefits are stopped.

Response: When we decide that we cannot pay benefits due to section 202(t) of the Act, the claimant may have us reconsider that decision. If the claimant is not satisfied with the reconsidered decision, he or she may request a hearing before an administrative law judge. See Subpart J of Part 404 of the regulations which explains the administrative review process.

Regulatory Procedures

Executive Order 12291

Because there are no costs associated with these regulations and savings are less than \$100 million per year, the Secretary has determined that this is not a major rule under Executive Order 12291. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

These regulations do not impose recordkeeping or reporting requirements on the public.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact

on a substantial number of small entities because they will affect only individuals. Therefore, a regulatory flexibility analysis as described in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Programs: No. 13.803 Social Security Retirement Insurance; No. 13.805 Social Security Survivor's Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure; Death benefits; Disability benefits; Old-Age, Survivors, and Disability Insurance.

Dated: April 16, 1987.

Dorcas R. Hardy,

Commissioner of Social Security.

Approved June 9, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

Part 404 of Chapter III, Title 20 of the Code of Federal Regulations is amended as follows:

PART 404—[AMENDED]

1. The authority citation for Subpart E is revised as set forth below and the authority citations following the sections in Subpart E are removed.

Authority: Secs. 202, 203, 205, 209, 210, 215, 224, 229, 230, 1102, and 1127 of the Social Security Act; 49 Stat. 623, 53 Stat. 1368, as amended, 79 Stat. 379, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 402, 403, 405, 409, 410, 415, 424, 429, 430, 1302 and 1327.

2. In § 404.417, paragraph (b) is revised to read as follows:

§ 404.417 Deductions because of noncovered remunerative activity outside the United States; 45-hour and 7-day work test.

(b) *Deductions from benefits because of the earnings or work of an insured individual—(1) Prior to September 1984.* Where the insured individual entitled to old-age benefits works on 7 or more days in a month prior to September 1984 while under age 72 (age 70 after December 1982), a deduction is made for that month from any:

(i) Wife's, husband's, or child's insurance benefit payable on the insured individual's earnings record; and

(ii) Mother's, father's, or child's insurance benefit based on child's disability, which under § 404.420 is deemed payable on the insured individual's earnings record because of the beneficiary's marriage to the insured individual.

(2) *From September 1984 on.* Effective September 1984, a benefit deduction is

made for a month from the benefits described in paragraph (b)(1) of this section only if the insured individual, while under age 70, has worked in excess of 45 hours in that month.

(3) *Amount of deduction.* The amount of the deduction required by this paragraph (b) is equal to the wife's, husband's or child's benefit.

(4) *From January 1985 on.* Effective January 1985, no deduction will be made from the benefits payable to a divorced wife or a divorced husband who has been divorced from the insured individual for at least 2 years.

3. In § 404.460, paragraph (d) is added which reads as follows:

§ 404.460 Nonpayment of monthly benefits of aliens outside the United States.

(d) *Nonpayment of monthly benefits to certain aliens entitled to benefits on a worker's earnings record.* An individual who after December 31, 1984 becomes eligible for benefits on the earnings record of a worker for the first time, is an alien, has been outside the United States for more than 6 consecutive months, and is qualified to receive a monthly benefit by reason of the provisions of paragraphs (b)(2), (b)(3), (b)(5), or (b)(7) of this section, must also meet a U.S. residence requirement described in this section to receive benefits:

(1) An alien entitled to benefits as a child of a living or deceased worker—

(i) Must have resided in the U.S. for 5 or more years as the child of the parent on whose earnings record entitlement is based; or

(ii) The parent on whose earnings record the child is entitled and the other parent, if any, must each have either resided in the United States for 5 or more years or died while residing in the U.S.

(2) An alien who meets the requirements for child's benefits based on paragraph (d)(1) of this section above, whose status as a child is based on an adoptive relationship with the living or deceased worker, must also—

(i) Have been adopted within the United States by the worker on whose earnings record the child's entitlement is based; and

(ii) Have lived in the United States with, and received one-half support from, the worker for a period, beginning prior to the child's attainment of age 18, of

(A) At least one year immediately before the month in which the worker became eligible for old-age benefits or disability benefits or died (whichever occurred first), or

(B) If the worker had a period of disability which continued until the worker's entitlement to old-age or disability benefits or death, at least one year immediately before the month in which that period of disability began.

(3) An alien entitled to benefits as a spouse, surviving spouse, divorced spouse, surviving divorced spouse, or surviving divorced mother or father must have resided in the United States for 5 or more years while in a spousal relationship with the person on whose earnings record the entitlement is based. The spousal relationship over the required period can be that of wife, husband, widow, widower, divorced wife, divorced husband, surviving divorced wife, surviving divorced husband, surviving divorced mother, surviving divorced father, or a combination of two or more of these categories.

(4) An alien who is entitled to parent's benefits must have resided in the United States for 5 or more years as a parent of the person on whose earnings record the entitlement is based.

(5) Individuals eligible for benefits before January 1, 1985 (including those eligible for one category of benefits on a particular worker's earnings record after December 31, 1984, but also eligible for a different category of benefits on the same worker's earnings record before January 1, 1985), will not have to meet the residency requirement.

(6) Definitions applicable to paragraph (d) of this section are as follows:

"Eligible for benefits" means that an individual satisfies the criteria described in Subpart D of this part for benefits at a particular time except that the person need not have applied for the benefits at that time.

"Other parent" for purposes of paragraph (d)(1)(ii) of this section means any other living parent who is of the opposite sex of the worker and who is the adoptive parent by whom the child was adopted before the child attained age 18 and who is or was the spouse of the person on whose earnings record the child is entitled; or the natural mother or natural father of the child; or the step-parent of the child by a marriage, contracted before the child attained age 18, to the natural or adopting parent on whose earnings record the child is entitled. (Note: Based on this definition, a child may have more than one living "other parent." However, the child's benefit will be payable for a month if in that month he or she has one "other parent" who had resided in the U.S. for at least 5 years.)

"Resided in the United States" for satisfying the residency requirement

means presence in the United States with the intention of establishing at least a temporary home. A period of residence begins upon arrival in the United States with that intention and continues so long as an attachment to an abode in the United States is maintained, accompanied by actual physical presence in the United States for a significant part of the period, and ending the day of departure from the United States with the intention to reside elsewhere. The period need not have been continuous and the requirement is satisfied if the periods of U.S. residence added together give a total of 5 full years.

(7) The provisions described in paragraph (d) of this section shall not apply if the beneficiary is a citizen or resident of a country with which the United States has a totalization agreement in force, except to the extent provided by that agreement.

[FR Doc. 87-15778 Filed 7-10-87; 8:45 am]
BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 178

[Docket No. 86F-0373]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for an increase in the level of residual hydrogen peroxide permitted on polymeric food-packaging sterilized with hydrogen peroxide. This action responds to a petition filed by Combibloc, Inc.

DATES: Effective July 13, 1987; objections by August 12, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Thomas C. Brown, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of November 20, 1986 (51 FR 42006), FDA announced that a petition (FAP 6B3962) had been filed by Combibloc, Inc., 4800 Roberts Rd., Columbus, OH 43228, proposing that § 178.1005 *Hydrogen peroxide solution* (21 CFR 178.1005) be

amended to provide for an increase in the hydrogen peroxide limitation from the current level of 0.1 part per million to 0.5 part per million when the hydrogen peroxide is used to sterilize polymeric food-contact surfaces.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that § 178.1005(d) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any time on or before August 12, 1987 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the

objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES; ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 178.1005 by revising paragraph (d) to read as follows:

§ 178.1005 Hydrogen peroxide solution.

(d) *Limitations.* No use of hydrogen peroxide solution in the sterilization of food packaging material shall be considered to be in compliance if more than 0.5 part per million of hydrogen peroxide can be determined in distilled water packaged under production conditions (assay to be performed immediately after packaging).

Dated: June 23, 1987.

Richard J. Ronk,
Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-15784 Filed 7-10-87; 8:45 am]
BILLING CODE 4190-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD14-87-01]

Anchorage Ground; Island of Tinian, Commonwealth of the Northern Mariana Islands

AGENCY: Coast Guard, DOT.
ACTION: Final rule.

SUMMARY: The Coast Guard has established an explosives anchorage