

L. 99-440 (October 2, 1986); E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

§ 399.1 Supplement 1, Group 7
[Amended]

2. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), a new entry 1734A is added (in numerical order, disregarding the first digit) reading as follows:

1734A Low density, rigid, carbon-bonded, fibrous or non-fibrous carbon thermal insulating materials as described in this entry.

Controls for ECCN 1734A

Unit: Report in "lbs."

Validated License Required: Country Groups QSTVWYZ

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations

Processing Code: CM

Reason for Control: National security

Special Licenses Available: None

List of Materials Controlled by ECCN 1734A

Low density, rigid, carbon-bonded, fibrous or non-fibrous carbon thermal insulating materials having all of the following characteristics:

(a) A capability of operating at temperatures greater than 2273 K (2000°C);

(b) A density greater than 100 kg/m³ and less than 300 kg/m³;

(c) A compressive strength greater than 0.1 MPA and less than 1.0 MPA;

(d) A flexural strength of greater than 1.0 MPA; and

(e) A carbon content of greater than 99.9% of total solids.

Date: August 7, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87-18342 Filed 8-11-87; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regs. No. 16]

Pension Funds for Deeming Purposes and Grandfathering Provisions

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: We are amending our regulations to include a rule that pension funds are not counted as resources for deeming purposes and to make explicit in our grandfathering rules that a Supplemental Security Income (SSI) "supplemental security income benefit" means a Federal benefit only and does not include any State supplementation.

EFFECTIVE DATE: These regulations are effective September 1, 1987.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (303) 594-7463.

SUPPLEMENTARY INFORMATION: These regulations finalize two new rules which were published in the Federal Register on November 8, 1982 (47 FR 50511) as a Notice of Proposed Rulemaking (NPRM). These new rules deal with pension funds for deeming purposes and a grandfathering provision. We provided a 60-day comment period and no comments were received on these two rules. We have already published several final rules from the 1982 NPRM. Once these final rules are published, we will formally withdraw all remaining portions of the NPRM.

Under section 1614(f) of the Act, when an individual applies for or receives SSI benefits and we consider the individual's own resources, we also deem (consider to belong to the individual) resources of an individual's ineligible spouse who lives in the same household, ineligible parent or spouse of a parent (if the eligible individual is a child) who lives in the same household as the child, and sponsor or the spouse of such sponsor (if the eligible individual is an alien). In addition, we deem the resources of an "essential person" under section 211(a)(1)(B) of Pub. L. 93-66. However, the Secretary has authority under sections 1614(f) (1) and (2) of the Act not to deem the resources of an ineligible spouse, or ineligible parent (or spouse of a parent) "to the extent determined by the Secretary to be inequitable under the circumstances." This authority does not extend to the other sources of deeming named.

For reasons of equity, we are adding new rules to the deeming situations in paragraphs (a) and (b) of 20 CFR 416.1202 (which were 20 CFR 416.1262 and 416.1263 in the NPRM). Pension funds owned by an ineligible spouse or ineligible parent or spouse of a parent will not be counted as an eligible individual's resources. We define pension funds as funds held in individual retirement accounts (IRA), as

described by the Internal Revenue Code, or in work-related pension plans (including such plans for self-employed individuals, sometimes referred to as Keogh plans). Amounts distributed from a pension fund to a pensioner will count as income to the pensioner that can be deemed to a spouse or child.

We believe it is inequitable to jeopardize the future of a person whose resources are deemed so that another individual's current needs can be met. This requirement is especially burdensome because deeming is often a temporary situation which ceases, for example, when a child reaches age 18 or a couple no longer lives together in the same household. In order to be supportive of families, we believe it is preferable to permit a spouse or parent to provide for his or her own future while recognizing the current needs of the otherwise eligible individual. Therefore, we will not count pension funds owned by an ineligible spouse, ineligible parent or ineligible spouse of a parent.

We will continue our policy of counting the equity value of these funds (including any interest accrued) as an available resource to an applicant or recipient who is the owner of a pension fund, and those owned by an essential person, eligible spouse of an applicant or beneficiary, or a sponsor (or spouse of a sponsor) or an alien.

It is fair and correct to count the pension funds of an applicant/recipient because SSI is a current needs-based program. Consequently, the individual's own current needs must outweigh his or her future needs.

We are not changing the treatment of pension funds owned by an essential person or sponsor (or spouse of a sponsor) of an alien because in these cases, the Act does not authorize the Secretary to decline to deem income and resources when he or she determines such deeming is inequitable.

We are modifying our policy on the alternative resource rules at 20 CFR 416.1260(a)(2) (which was 20 CFR 416.1281(a)(4) in the NPRM). These alternative resource rules apply to persons who receive SSI benefits because they are aged, blind or disabled and were transferred from State programs to the Federal SSI program when it began in January 1974. Under section 1611(g) of the Act, these persons must have received State assistance payments for the aged, blind or disabled for December 1973 under the provisions of the State plan which was in effect for October 1972, must continue to live in the same State, and must continue to be eligible for SSI benefits. We have added

a statement that an "SSI benefit" means a Federal benefit only and does not include any State supplementation. Prior to the rules on the counting of income which were published in the **Federal Register** on October 3, 1980 (45 FR 65541), SSA interpreted an SSI benefit for the purpose of the alternative income rules to include receipt of a State supplementary payment. The income regulations qualified the rule by limiting an SSI benefit to a Federal payment. The qualification was necessary to implement the alternative income rules in a manner consistent with the Act. The alternative rules on resources are, therefore, being revised to make them consistent with the income rules and the Act. We intend to apply this new interpretation in a limited manner so that it will have only future effect and will not be applied to any beneficiary who received the advantage of a broader definition of an SSI benefit prior to publication of these final rules.

Executive Order 12291

The Secretary has determined that this is not a major rule under Executive Order 12291. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

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

Paperwork Reduction Act

These regulations impose no additional reporting or recordkeeping requirements requiring OMB clearance.

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

List of Subjects in 20 CFR Part 416

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

Dated: December 1, 1986.

Dorcas R. Hardy,
Commissioner of Social Security.

Approved: March 13, 1987.

Otis R. Bowen,
Secretary of Health and Human Services.

Subpart L of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

PART 416—[AMENDED]

1. The authority citation for Subpart L of Part 416 is revised to read as follows and all other authority citations which appear throughout Subpart L are removed:

Authority: Secs. 1102, 1602, 1611, 1612, 1613, 1614(f) and 1631(d) of the Social Security Act, as amended; Sec. 211 of Pub. L. 93-66; 42 U.S.C. 1302, 1381a, 1382, 1382a, 1382b, 1382c(f) and 1383(d).

2. In § 416.1202, paragraphs (a) and (b) are revised to read as follows:

§ 416.1202 Deeming of resources.

(a) *Married individual.* In the case of an individual who is living with a person not eligible under this part and who is considered to be the husband or wife of such individual under the criteria in §§ 416.1806 and 416.1811, such individual's resources shall be deemed to include any resources, not otherwise excluded under this subpart, of such spouse whether or not such resources are available to such individual. In addition to the exclusions listed in § 416.1210, pension funds which the ineligible spouse may have are excluded. "Pension funds" are defined as funds held in individual retirement accounts (IRA), as described by the Internal Revenue Code, or in work-related pension plans (including such plans for self-employed individuals, sometimes referred to as Keogh plans).

(b) *Child.* In the case of a child (as defined in § 416.1856) who is under age 18, such child's resources shall be deemed to include any resources, not otherwise excluded under this subpart, of an ineligible parent of such child (or the ineligible spouse of a parent) who is living in the same household (as defined in § 416.1851) as such child, whether or not available to such child, to the extent that the resources of such parent (or such spouse of a parent) exceed the resource limits described in § 416.1205. (If the child is living with only one parent, the resource limit for an individual applies. If the child is living with both parents (or one parent and his or her spouse), the resource limit for an individual and spouse applies.) In addition to the exclusions listed in § 416.1210, pension funds which the ineligible parent or spouse of a parent may have are also excluded. "Pension funds" are defined in paragraph (a) of this section. As used in this section, the term "parent" means the natural or adoptive parent of a child and "spouse of a parent" means the spouse (as defined in § 416.1806) of such natural or adoptive parent.

3. In § 416.1260, paragraph (a)(2) is revised to read as follows:

§ 416.1260 Special resource provision for recipients under a State plan.

(a) * * *

(2) Has not, since December 1973, been ineligible for an SSI benefit for a period exceeding 6 consecutive months. An SSI benefit means a Federal benefit only; it does not include any State supplementation.

* * * * *

[FR Doc. 87-18310 Filed 8-11-87; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 178

[Docket No. 85F-0441]

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 the safe use of a stabilized chlorine dioxide solution for use as a sanitizing rinse for food-processing equipment. This action responds to a petition filed by Bio-Cide International, Inc.

DATES: Effective August 12, 1987; objections by September 11, 1987. The Director of the Office of the Federal Register approves the incorporation by reference of certain publications at 21 CFR 178.1010, effective 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: Andrew D. Laumbach, 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 October 25, 1985 (50 FR 43467), FDA announced that a petition (FAP 5H3889) had been filed by Bio-Cide International, Inc., 1111 North Flood Ave. (now 2845 Broce Dr., P.O. Box 2700), Norman, OK 73070, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for a stabilized chlorine dioxide solution for use as a sanitizing rinse for food-processing equipment.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive is safe, and that the regulations should be amended in 21 CFR 178.1010 by adding new paragraphs (b)(34) and (c)(29).

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 September 11, 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, Incorporation by reference.

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. Section 178.1010 is amended by adding new paragraphs (b)(34) and (c)(29) to read as follows:

§ 178.1010 Sanitizing solutions.

(b) * * *
(34) An aqueous solution of an equilibrium mixture of oxychloro species (predominantly chlorite, chlorate, and chlorine dioxide) generated either (i) by directly metering a concentrated chlorine dioxide solution, prepared just prior to use, into potable water to provide the concentration of available chlorine dioxide stated in paragraph (c)(29) of this section, or (ii) by acidification of an aqueous alkaline solution of oxychloro species (predominantly chlorite and chlorate) followed by dilution with potable water to provide the concentration of available chlorine dioxide described in paragraph (c)(29) of this section.

(c) * * *
(29) Solutions identified in paragraph (b)(34) of this section should provide, when ready to use, at least 100 parts per million and not more than 200 parts per million available chlorine dioxide as determined by the method titled "Iodometric Method for the Determination of Available Chlorine Dioxide (50-250 ppm available ClO₂)," which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Center for Food Safety and Applied Nutrition (HFF-310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal

Register, 1100 L. St. NW., Washington, DC 20408.

Dated: August 3, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-18267 Filed 8-11-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Parts 41 and 42

[SD-108.861]

Visas: Documentation of Nonimmigrants and Immigrants; Ineligible Classes

AGENCY: Department of State, Bureau of Consular Affairs.

ACTION: Final rule.

SUMMARY: This final rule amends 22 CFR 41.91(a)(9) & (10) and 42.91(a)(9) & (10) relating to certain ineligible classes of aliens by adopting principles set forth by the Board of Immigration Appeals (BIA) with regard to foreign convictions and by extending them to domestic judicial determinations as well. This final rule affects an alien's eligibility to receive a visa because of criminal offenses involving moral turpitude committed prior to the age of eighteen pursuant to the precedent decisions rendered by the Board of Immigration Appeals in the cases of *Matter of Ramirez-Rivero* and *Matter of De La Nues*.

EFFECTIVE DATE: May 13, 1987.

FOR FURTHER INFORMATION CONTACT: Stephen K. Fischel, Chief, Legislation and Regulations Division, Visa Services, or Guida Evans-Magher, Consular Affairs Specialist, Washington, DC 20520 (202) 663-1204 or (202) 663-1206.

SUPPLEMENTARY INFORMATION: As a result of decisions made by the Board of Immigration Appeals in the *Matter of Ramirez-Rivero* and the *Matter of De La Nues*, new standards were set defining treatment of juvenile delinquency by foreign courts. Standards established by Congress in the Federal Juvenile Delinquency Act (FJDA), as amended, govern whether an offense is to be considered an act of juvenile delinquency or a crime by U.S. standards. In addition, the Comprehensive Crime Control Act of 1984 further amended the FJDA by lowering the minimum age from 16 to 15 for prosecution of a juvenile as an adult