

of greater than 200 MW. Consistent with the amendments, the name of the Form was changed to "Form No. EIA-714, Annual Electric Control and Planning Area Report."

Previously, the Commission's regulations had required reporting by individual electric utilities, not by control areas. In light of the fact that control areas are the basic operating units of the electric utility industry, the December 1990 final rule facilitated the collection of comprehensive, accurate, and consistent statistics on electric power industry operations.

III. Change

The Commission is changing the name of the Form from "Form No. EIA-714, Annual Electric Control and Planning Area Report", to "Form No. FERC-714, Annual Electric Control and Planning Area Report." This change reflects the fact that the responsibility for design and administration of the Form is transferred from the EIA to the Commission. The Form is now required to be filed with the Commission rather than with the EIA, in accordance with the instructions on the Form.

IV. Administrative Findings and Effective Date

The Administrative Procedure Act (APA) requires that a notice of proposed rulemaking be published in the Federal Register and that an opportunity for comment be provided when an agency promulgates regulations. The APA also sets forth exemptions to the notice and comment requirements if the rule is, *inter alia*, a rule of agency organization, procedure, or practice, or if the commission for good cause finds that notice and comment procedures thereon are impracticable, unnecessary, or contrary to the public interest.²

The purpose of this amendment is to reflect the requirement that the Form now be filed with the Commission instead of with the EIA. Accordingly, the Commission finds that the rule is one of agency organization, procedure, or practice and that notice and comment procedures are not required.

In addition, under the APA, a substantive rule does not become effective until 30 days after publication or service.³ However, this rule is procedural, rather than substantive, and therefore may become effective immediately upon issuance.

List of Subjects in 18 CFR Part 141

Electric power, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends part 141 in chapter I, title 18 of the Code of Federal Regulations, as set forth below.

By the Commission.

Lois D. Cashell,
Secretary.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR, 1978 Comp., p. 142; 31 U.S.C. 9701; 16 U.S.C. 791a-828c; 16 U.S.C. 2001-2045.

§ 141.51 [Amended]

In the heading and in paragraphs (a), (b) and (c), the words "EIA-714" are removed and the words "FERC-714" are inserted in their place. In paragraphs (a)(1) and (c), the words "Energy Information Administration" are removed and the words "Federal Energy Regulatory Commission" are inserted in their place. The final sentence of paragraph (b) is removed.

[FR Doc. 91-19947 Filed 8-20-91; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

RIN 0930-AC13

Supplemental Security Income for the Aged, Blind, and Disabled; Federal Administration of State Supplementary Payments to Individuals in Medicaid Facilities

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These final regulations reflect section 12201(b) of Public Law 99-272 (the Consolidated Omnibus Budget Reconciliation Act of 1985, enacted April 7, 1986). Section 12201(b) permits Federal administration of optional State supplementary payments to individuals in medical facilities that receive title XIX (Medicaid) funds at a level exceeding 50 percent of the cost of their care (Medicaid facilities). Currently, the regulations prohibit Federal administration of optional State supplementary payments to a person who, throughout any month, is in a Medicaid facility. Under these regulations States will have the option of having the Social Security Administration (SSA) administer

optional State supplementary payments to these individuals. States will be limited to one State supplementary payment level variation for residents of Medicaid facilities (Federal living arrangement "D").

EFFECTIVE DATE: August 21, 1991.

FOR FURTHER INFORMATION CONTACT: Phyllis E. Green, Legal Assistant, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (301) 966-9822.

SUPPLEMENTARY INFORMATION: These final regulations affect the supplemental security income (SSI) program under title XVI of the Social Security Act (the Act), as amended. The purpose of the SSI program is to provide a minimum income level for aged, blind, and disabled people who do not have income or resources above levels specified in the Act. The Act also provides for State-funded supplementation programs. A State and SSA may agree, under section 1616 of the Act, to Federal administration of the State's supplementary payment program. The terms of administration are prescribed both in regulations and in written agreements we execute with each State for which we administer supplementary payments. To the extent that Medicaid eligibility is based on title XVI eligibility, these regulations will also affect the Medicaid program.

Currently, 20 CFR 416.2030 provides that a State may elect up to five federally administered optional supplementary payment level variations based on differences in living arrangements. Types of living arrangements for which variations may be allowed include arrangements such as:

- a. An individual or couple living alone;
- b. An individual living with an ineligible spouse;
- c. Residence in a personal care facility; or,
- d. Residence in a domiciliary or congregate care facility.

The current regulations at 20 CFR 416.2040(b) preclude eligibility for federally administered optional State supplementary payments for any individual who is, throughout any month, in a facility in which the Medicaid program pays for more than 50 percent of the cost of the individual's care (a Medicaid facility). On April 7, 1986, the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272) was enacted. Section 12201(b) of that Act permits any State with a federally administered optional supplementation program to modify its

² 5 U.S.C. 553(b) (1988).

³ 5 U.S.C. 553(d) (1988).

supplementation agreement with the Secretary to allow Federal administration of an optional supplementary payment to any individual in a Medicaid facility.

To implement this legislative enactment, these final regulations allow the States to elect up to six federally administered optional supplementary payment level variations based on differences in living arrangements. These final regulations make it clear, however, that if a State elects a sixth payment level variation, one of these variations must apply only to individuals in Medicaid facilities (Federal living arrangement "D"). Furthermore, only one payment level variation applicable to individuals in Federal living arrangement "D" will be permitted.

In the past, there has been congressional interest in limiting the total number of payment level variations for federally administered State supplementary payments. In 1977, the Senate Finance Committee issued a report on the SSI program that found that "such variations should be the exception rather than the rule and * * * should be agreed to only when they would not materially affect either the cost or efficiency of the program's administration." (Staff of Senate Comm. on Finance, 95th Cong., 1st Sess., Report on the Supplemental Security Income Program, 70 (Comm. Print 1977).) The report concluded that when Congress enacted the SSI statute a "legislative policy decision * * * was made * * * to allow only the most simplified types of State supplementation." (*Id.* at 71.) Moreover, in amending that statute to allow for the Federal administration of State supplementary payments for individuals in Medicaid facilities, Congress was aware of the limitation on the number of payment variations and was reacting to the need for the Federal administration of this particular living arrangement variation and not to any need to increase the maximum number of payment variations which could be federally administered. We concluded that, when read with this legislative background, section 12201(b) of Public Law 99-272 could be reasonably interpreted to authorize only the most limited expansion of permissible variations. Consequently, in view of this legislative history, systems constraints and administrative and cost concerns associated with implementing other payment variations, only one payment level variation will be permitted for Federal living arrangement "D" cases.

Comments

These regulations were published as a notice of proposed rulemaking at 55 FR 37332 on September 11, 1990. A 60-day comment period was provided. We received no public comments. We are, therefore, adopting these rules as proposed.

Regulatory Procedures

Executive Order No. 12291

The Secretary has determined that this is not a major rule under Executive Order 12291 because there will be no additional program costs. 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 they affect only individuals and States. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These regulations impose no additional reporting and recordkeeping requirements necessitating clearance by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 93.807, Supplemental Security Income)

List of Subjects in 20 CFR Part 416

Administrative Practice and Procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income.

Dated: May 15, 1991.

Gwendolyn S. King,

Commissioner of Social Security.

Approved: July 24, 1991.

Louis W. Sullivan,

Secretary of Health and Human Services.

For the reasons set out in the preamble, part 416 of title 20 of the Code of Federal Regulations is amended as follows:

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

Subpart T—State Supplemental Provisions; Agreements; Payments

1. The authority citation for subpart T of part 416 continues to read as follows:

Authority: Secs. 1102, 1616, 1618, and 1631 of the Social Security Act; 42 U.S.C. 1302, 1382e, 1382g, and 1383; sec. 212 of Pub. L. 93-66, 87 Stat. 155; sec. 401 of Pub. L. 92-603, 86 Stat. 1485; sec. 8 of Pub. L. 93-233, 87 Stat.

956; secs. 1 and 2 of Pub. L. 93-335, 88 Stat. 291.

2. In § 416.2030, paragraph (a)(2) is revised to read as follows:

§ 416.2030 Optional supplementation: Variations in payments.

(a) *Payment level.* * * *

(2) *Living arrangements.* In addition, a State may elect up to six variations in recognition of the different needs which result from various living arrangements. If a State elects six payment level variations based on differences in living arrangements, one of these six variations must apply only to individuals in Medicaid facilities, that is, facilities receiving title XIX payments with respect to such persons for the cost of their care (see § 416.211(b)(1)). In any event, States are limited to one payment level variation for residents of Medicaid facilities. Types of other living arrangements for which payment variations may be allowed include arrangements such as:

- (i) Living alone;
- (ii) Living with an ineligible spouse;
- (iii) Personal care facility; or,
- (iv) Domiciliary or congregate care facility.

* * * * *

§ 416.2040 [Amended]

3. In § 416.2040, paragraph (b) is removed and paragraph (c) is redesignated as paragraph (b).

[FR Doc. 91-20023 Filed 8-20-91; 8:45 am]

BILLING CODE 4190-29-M

Food and Drug Administration

21 CFR Part 178

[Docket No. 88F-0317]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of disodium decanedioate as a component of mineral oil-bentonite lubricants that may contact food. This action responds to a petition filed by the Ciba-Geigy Corp.

DATES: Effective August 21, 1991; written objections and requests for a hearing by September 20, 1991.

ADDRESSES: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration,

room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

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

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of October 26, 1988 (53 FR 43272), FDA announced that a food additive petition (FAP 8B4102) had been filed by the Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.3570 Lubricants with incidental food contact (21 CFR 178.3570) be amended to provide for the safe use of disodium decanedioate as a component of lubricants that may contact food. The Ciba-Geigy Corp. subsequently amended the petition to limit the use of disodium decanedioate as a component of mineral oil-bentonite lubricants that may contact food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive disodium decanedioate is safe and that 21 CFR 178.3570 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 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. FDA 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.

Any person who will be adversely affected by this regulation may at any time on or before September 20, 1991, 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, Center for Food Safety and Applied Nutrition, 21 CFR 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, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.3570 is amended in the table in paragraph (a)(3) by alphabetically adding a new entry under the headings "Substances" and "Limitations" to read as follows:

§ 178.3570 Lubricants with incidental food contact.

Substances	Limitations
(a) * * *	
(3) * * *	
Disodium decanedioate (CAS Reg. No. 17265-14-4).	For use as a corrosion inhibitor or rust preventative in mineral oil-bentonite lubricants at a level not to exceed 2 percent by weight of the grease.

* * * * *

Dated: August 13, 1991.
Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-19967 Filed 8-20-91; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 88F-0274]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of sodium sec-alkyl (C₁₀-C₁₈) mono- and disulfonates in polystyrene and rubber-modified polystyrene in contact with food. This action is in response to a petition filed by Hoechst-Celanese, Inc.

DATES: Effective August 21, 1991; written objections and requests for a hearing by September 20, 1991.

ADDRESSES: 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: Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFF-333), 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 August 26, 1988 (53 FR 32698), FDA announced that a food additive petition (FAP 8B4097) had been filed by Hoechst-Celanese, Inc., Frankfurt, Germany, proposing that § 178.3130 Antistatic and/or antifogging agents in food-packaging materials (21 CFR 178.3130) and § 178.3400 Emulsifiers and/or surface-active agents (21 CFR 178.3400) be amended to provide for the safe use of sodium alkyl (C₁₀-C₁₈) mono- and disulfonates in polystyrene and rubber-modified polystyrene in contact with food. Data in the petition show that the alkyl groups of these mono- and disulfonate salts are secondary, branched alkyl groups. Therefore, the final rule refers to the additive as

sodium sec-alkyl (C₁₀-C₁₈) mono- and disulfonates.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that 21 CFR 178.3130 and 178.3400 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 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. FDA 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.

Any person who will be adversely affected by this regulation may at any time on or before September 20, 1991 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, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 173—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, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.3130 is amended in paragraph (b) by alphabetically adding a new entry to the table to read as follows:

§ 178.3130 Antistatic and/or antifogging agents in food-packaging materials.

* * * * *

(b) * * *

List of substances	Limitations
Sodium sec-alkyl mono- and disulfonates (alkyl group in the range of C ₁₀ -C ₁₈ with not less than 50 percent C ₁₄ -C ₁₆).	As an antistatic agent at levels not to exceed 3.0 percent by weight of polystyrene or rubber-modified polystyrene complying with § 177.1640(c) of this chapter under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter.

3. Section 178.3400 is amended in paragraph (c) by alphabetically adding a new entry to the table to read as follows:

§ 178.3400 Emulsifiers and/or surface-active agents.

* * * * *

(c) * * *

List of substances	Limitations
Sodium sec-alkyl mono- and disulfonates (alkyl group in the range of C ₁₀ -C ₁₈ with not less than 50 percent C ₁₄ -C ₁₆).	As an emulsifier and/or surface-active agent at levels not to exceed 3.0 percent by weight of polystyrene or rubber-modified polystyrene complying with § 177.1640(c) of this chapter under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter.

* * * * *

Dated: August 13, 1991.
Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-19966 Filed 8-20-91; 8:45 am]
BILLING CODE 4160-01-M

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1904

Procedures Governing Acceptance of Service of Process

AGENCY: Central Intelligence Agency.
ACTION: Final regulation.

SUMMARY: The Central Intelligence Agency (CIA) is publishing this regulation to inform the public of the CIA's procedures for acceptance of service of process in matters involving the CIA or its employees in their official, individual, or combined official and individual capacities. This regulation sets forth the CIA's procedures for acceptance of process in person or by registered or certified mail.

EFFECTIVE DATE: August 21, 1991.

FOR FURTHER INFORMATION CONTACT: W. George Jameson, Associate General Counsel, Central Intelligence Agency, Washington, DC 20505. Telephone (703) 874-3118.

SUPPLEMENTARY INFORMATION: This regulation is promulgated to further implement section 102(d)(3) of the National Security Act of 1947, 50 U.S.C. 403(d)(3), which provides that the Director of Central Intelligence shall be responsible for the protection of intelligence sources and methods from unauthorized disclosure, and section 6 of the CIA Act of 1949, 50 U.S.C. 403g, which provides that the CIA shall be exempted from the provisions of any law which requires the publication or disclosure of the organization, functions, names, official titles, salaries or numbers of personnel of the CIA.

List of Subjects in 32 CFR Part 1904

Central Intelligence Agency; Courts, Service of Process.

Accordingly, title 32 of the Code of Federal Regulations is amended by adding a new part 1904 as follows: