establish a $100.00 charge for each such returned check, Customs has determined that the amount should be changed to $30.00 in order to be more consistent with amounts currently charged by financial institutions.

EFFECTIVE DATE: September 9, 1992.

FOR FURTHER INFORMATION CONTACT: Robert L. Branch, Revenue Branch, National Finance Center, U.S. Customs Service (317) 298–1307).

SUPPLEMENTARY INFORMATION:

Background

In a Notice published in the **Federal Register** on December 6, 1988 (53 FR 49207), the Customs Service set forth for public comment a proposal to amend the Customs Regulations to establish a $100.00 charge for each check which is returned by a financial institution to the Customs Service unpaid if that check had been presented for payment of duties or other charges on noncommercial importations for which a formal entry is not required or for payments in connection with any other transaction not backed by a Customs bond. The purpose of the charge is to offset the substantial additional operating costs to Customs generated in connection with the control and collection of returned items. The charge was designed to reflect the actual cost to Customs in connection with the activities of the National Finance Center in monitoring and collecting checks as well as costs incurred in connection with other Customs operations which are impeded by returned checks. Currently, no charge is assessed to cover the considerable extra expenditures incurred in connection with collections of returned checks.

In response to Customs invitation for comments on its proposal, one comment was received from the public. The point raised in that comment has been considered in developing this final rule.

While public comment on the proposal was minimal, Customs has conducted an internal review of the proposed charge. This review has led Customs to the determination that a charge is definitely warranted in instances where checks are returned by financial institutions, but that the fee should be set at $30.00 rather than $100.00. While this amount may not totally reflect all of the actual costs incurred by Customs in processing the returned items, it is consistent with amounts currently being charged by financial institutions. Additionally, Customs anticipates having to process fewer checks in the future, thereby reducing its exposure to these expenses. This expectation is based upon the increasing ability of persons to use credit cards to pay amounts owed Customs.

Analysis of Comment

The single comment that was received objected to the proposal to the extent that the amendment would not allow for an exception from the charge when the return of the check was the result of an error by the bank over which the maker of the check had absolutely no control. We agree that the charge should not be imposed absolutely in all cases without providing the check's maker the opportunity of showing he was not at fault because of other factors over which he had no control. Accordingly, the proposal as published in this final rule contains a minor change to add language allowing the Customs Service to waive a fee for a returned check when the maker is shown to be not at fault for the return.

Regulatory Flexibility Act and Executive Order 12291

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendment will not have a significant impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 or 604. Because this document does not result in a "major rule" as defined by Executive Order 12291, the regulatory analysis and review prescribed by the Executive Order is not required.

Drafting Information

The principal author of this document was Peter T. Lynch, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Taxes, Wages.

Amendment to the Regulations

Part 24 Customs Regulations (19 CFR part 24) is amended as set forth below:

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURES

1. The authority citation for part 24 continues in part to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 58a—58c, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624, 31 U.S.C. 9701, 26 U.S.C. 4461—4462.

Section 24.1 also issued under 19 U.S.C. 197, 198, 1684.

* * * * *

2. Section 24.1 is amended by adding a new paragraph (e) at the end thereof to read as follows:

§ 24.1 Collection of Customs duties, taxes, and other changes.

* * * * *

(e) Any person who pays by check any duties, taxes, fees or other charges or obligations due the Customs Service which are not guaranteed by a Customs bond shall be assessed a charge of $30.00 for each check which is returned unpaid by a financial institution for any reason, except the charge will not be assessed if it is shown that the maker of the check was not at fault in connection with the return of the check. This charge shall be in addition to any unpaid duties, taxes and other charges.

Carol Hallett,

Commissioner of Customs.

Approved: July 22, 1992.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92–18849 Filed 8–7–92; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulation No. 16]

RIN 0960–AC66

Supplemental Security Income for the Aged, Blind, and Disabled Resources and Exclusions; Definition of Resources

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: This final rule excludes from the definition of resources in the Supplemental Security Income (SSI) Program, for 1 calendar month following their receipt, certain retroactive cash payments made to an ineligible spouse or parent for providing medical or social services to the eligible individual. This rule also clarifies the policy regarding the commingling of funds paid to an eligible individual for approved medical or social services or paid to an eligible spouse or parent for the provision of such services for purposes of defining resources.

EFFECTIVE DATE: This rule is effective August 10, 1992.

FOR FURTHER INFORMATION CONTACT: Irv Darrow, Esq., Legal Assistant, Office of Regulations, 3–B–1 Operations

Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 966–0512.

SUPPLEMENTARY INFORMATION: This rule was published as a notice of proposed rulemaking in the **Federal Register** on February 26, 1991 (56 FR 7821). A 60-day comment period was provided. Comments received in response to the notice of proposed rulemaking are discussed under the heading "Discussion of Comments".

Certain cash payments specifically to enable people to pay for medical or social services as defined in § 416.1103(a) and (b) are not income for SSI purposes because they are assumed not to be available for support and maintenance. Recognizing that the recipient is not always able to use the cash for payment of medical or social services in the month of receipt, we published a final rule in the **Federal Register** on June 21, 1988 (53 FR 23230). That rule, § 416.1201(a)(3), provides that for 1 full calendar month following the month of receipt, cash, which is not income under § 416.1103(a) or (b) because it is paid to an individual to enable the individual to pay for medical or social services, is not a resource. The rule does not encompass cash received as reimbursement for medical or social service bills the individual had already paid.

The June 1988 rule recognized that it was not reasonable to expect an individual to use certain funds for support and maintenance when the funds are clearly needed to pay for approved services which themselves are neither income nor resources. To use such funds for support and maintenance tends to thwart the purpose of the payer program and could result in an individual's having to do without needed services. The rule change simply provided a grace period to individuals for the disbursement of funds as intended by the payer program without the cash having an adverse effect on their SSI eligibility.

In describing medical or social services payments that would not be considered resources for 1 month following receipt, the June 1988 regulation omitted one category: retroactive cash payments (other than reimbursements) made to an ineligible spouse or parent for providing medical or social services to the eligible individual to whom their resources could be deemed. Such payments are income when received by the ineligible spouse or parent care provider, but not excluded from the income deeming process under § 416.1161(a)(16). However, under the current regulation, if these funds are retained into the month following the month of receipt, they become resources which are subject to deeming and could, therefore, cause ineligibility.

In limited circumstances, governmental programs will pay a parent or spouse to provide a disabled child or spouse with certain services under a medical or social services program. Such care providers are able to give care and services with an exceptionally high and supportive level of personal dedication but their provision is so time-consuming that the spouse or parent has to give up (or severely curtail) work outside the home which might otherwise provide needed household income. Since the medical or social services payments are targeted to compensate for services given and lost household income, they are not deemed as income so that the intended benefit of having the services provided by caregivers in the home can be realized. For this reason, and to avoid SSI ineligibility due to excess deemed resources, we will provide a period of 1 full calendar month for the expenditure of retroactive cash payments made to an ineligible spouse or parent for providing medical or social services to the eligible individual. This type of retroactive payment will not be a resource until an opportunity has been given for its expenditure, that is, for 1 full calendar month after receipt. When such retroactive payments are made, we will assume that the care provider's first priority of expenditure is the personal and household bills which could not be paid without these payments. Therefore, we will not consider the care provider's retroactive payments to be resources until the second calendar month following their receipt in order to give the ineligible spouse or parent the same length of time for expenditure that we would give the care recipient. This new resource treatment applies only to retroactive cash payments made to an ineligible spouse or parent for providing medical or social services to the eligible individual.

In addition to the foregoing, § 416.1201(a)(3) is amended to clarify our policy that this exclusion from the definition of resources applies only to the unspent portion of the cash payments described therein and that the unspent portion must be identifiable from other resources for this resource treatment to apply. This policy does not preclude the commingling of funds, but separate identification must be possible through the use of personal records in order for the amount to be excluded from the definition of resources for the calendar month following the month of receipt.

Discussion of Comments

Comments were received from 2 organizations, a State agency, and an individual in response to the notice of proposed rulemaking published in the **Federal Register** on February 26, 1991 (56 FR 7821). A summary of the comments submitted and our responses follow.

Comment

Three commenters suggested that we clarify that "retroactive cash payment," as used in 20 CFR 416.1201(a)(3), includes any interest/delay component that is part of the payment.

Response

The term "retroactive cash payment," as used in 20 CFR 416.1201(a)(3), includes any interest/delay component that is part of the payment. We feel this is implied in the language and does not need further clarification.

Comment

One commenter requested that the final rule clarify the meaning of "retroactive cash payment," as used in 20 CFR 416.1201(a)(3), with respect to a payment received by a care provider in the month due, but following the month in which services are rendered.

Response

For purposes of 20 CFR 416.1201(a)(3), a "retroactive cash payment" is one that is paid to the care provider after the month in which it was due. If payment is made in the month due, but following the month in which services were rendered, such payment is not considered to be "retroactive" for purposes of this rule.

We have made several technical changes in the final regulation. We have substituted the word "provision" for "exclusion" where the latter appeared in the proposed rules at 20 CFR 416.1201(a)(3)(i), (ii), and (iii). In addition, we have deleted the word "exclusion" from the second sentence in paragraph (a)(3)(ii). These changes are meant to preserve the distinction between a resource "exclusion" (which can be created only through statutory change) and an asset which does not meet the regulatory definition of a resource. With these changes, the regulation, as proposed, is adopted.

Regulatory Procedures

Executive Order 12291

The Secretary has determined that this is not a major rule under Executive

Order 12291 since the program and administrative costs of this regulation will be insignificant and the threshold criteria for a major rule are not otherwise met. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

This regulation will impose no additional reporting and recordkeeping requirements subject to clearance by the Office of Management and Budget.

Regulatory Flexibility Act

We certify that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities because this rule affects only individuals and States. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

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

List of Subjects in 20 CFR Part 416

Administrative practices and procedures, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI), Reporting and recordkeeping requirements.

Dated: February 10, 1992.

Gwendolyn S. King,

Commissioner of Social Security.

Approved: March 27, 1992.

Louis W. Sullivan,

Secretary of Health and Human Services.

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

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

Authority: Secs. 1102, 1602, 1611, 1612, 1613, 1614(f), 1621 and 1631 of the Social Security Act; 42 U.S.C. 1302, 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j and 1383; sec. 211 of Pub. L. 93–66, 87 Stat. 154.

2. Section 416.1201 is amended by revising paragraph (a)(3) to read as follows:

§ 416.1201 Resources; general.

(a) * * *

(3) Except for cash reimbursement of medical or social services expenses already paid for by the individual, cash received for medical or social services that is not income under § 416.1103(a) or (b), or a retroactive cash payment which is income that is excluded from deeming under § 416.1161(a)(16), is not a resource for the calendar month following the month of its receipt. However, cash retained until the first moment of the second calendar month following its receipt is a resource at that time.

(i) For purposes of this provision, a retroactive cash payment is one that is paid after the month in which it was due.

(ii) This provision applies only to the unspent portion of those cash payments identified in this paragraph (a)(3). Once the cash from such payments is spent, this provision does not apply to items purchased with the money, even if the period described above has not expired.

(iii) Unspent money from those cash payments identified in this paragraph (a)(3) must be identifiable from other resources for this provision to apply. The money may be commingled with other funds, but if this is done in such a fashion that an amount from such payments can no longer be separately identified, that amount will count toward the resource limit described in § 416.1205.

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[FR Doc. 92–18874 Filed 8–7–92; 8:45 am]

BILLING CODE 4190–29–M

Food and Drug Administration

21 CFR Part 14

Advisory Committees; Science Board to the Food and Drug Administration; Establishment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the establishment by the Commissioner of Food and Drugs of the Science Board to the Food and Drug Administration in the Office of the Commissioner. Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice requesting nominations for membership on this committee. This document adds the Science Board to the agency's list of standing advisory committees.

DATES: This rule becomes effective August 10, 1992. Authority for the committee being established will end on June 26, 1994, unless the Commissioner of Food and Drugs formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Donna M. Combs, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463), section 903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 394) as amended by the Food and Drug Administration Revitalization Act (Pub. L. 101–635), and 21 CFR 14.40(b), FDA is announcing the establishment by the Commissioner of Food and Drugs of the Science Board (the board) to the Food and Drug Administration.

The board shall provide advice primarily to the agency's Senior Science Advisor and, as needed, to the Commissioner and other appropriate officials on specific complex and technical issues as well as emerging issues within the scientific community in industry and academia. Additionally, the board will provide advice to the agency on keeping pace with technical and scientific evolutions in the fields of regulatory science; on formulating an appropriate research agenda; and on upgrading its scientific and research facilities to keep pace with these changes. It will also provide the means for critical review of agency sponsored intramural and extramural scientific research programs.

Because this is a technical amendment to 21 CFR Part 14, the Commissioner of Food and Drugs finds, under 21 CFR 10.40(c), (d), and (e), that notice and public procedure in § 10.40(b) are unnecessary and contrary to the public interest. Therefore, the agency is revising paragraph (a) of 21 CFR 14.100 as set forth below.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Part 14 is amended as follows:

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

1. The authority citation for 21 CFR Part 14 continues to read as follows:

Authority: Secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 21 U.S.C. 41–50, 141–149, 467f, 679, 821, 1034; secs. 2, 351, 361 of the Public Health Service Act (42 U.S.C. 201, 262, 264); secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 5 U.S.C. App. 2; 28 U.S.C. 2112.

2. Section 14.100 is amended by revising paragraph (a) to read as follows:

§ 14.100 List of standing advisory committees.

* * * * *

(a) *Office of the Commissioner*—(1) *Board of Tea Experts.*

(i) Date established: March 2, 1897.

(ii) Function: Advises on establishment of uniform standards of purity, quality, and fitness for consumption of all tea imported into the United States under 21 U.S.C. 42.

(2) *Science Board to the Food and Drug Administration.*

(i) Date established: June 26, 1992.

(ii) Function: The board shall provide advice primarily to the agency's Senior Science Advisor and, as needed, to the Commissioner and other appropriate officials on specific complex and technical issues as well as emerging issues within the scientific community in industry and academia. Additionally, the board will provide advice to the agency on keeping pace with technical and scientific evolutions in the fields of regulatory science; on formulating an appropriate research agenda; and on upgrading its scientific and research facilities to keep pace with these changes. It will also provide the means for critical review of agency sponsored intramural and extramural scientific research programs.

* * * * *

Dated: August 3, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-18816 Filed 8-7-92; 8:45 am]

BILLING CODE 4160-01-F

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21 CFR Part 178

[Docket No. 88F-0113]

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 *N*-cyclohexyl-*N*-palmitoyl taurate; chloroacetic acid, sodium salt, reaction products with 4,5-dihydro-2-undecyl-1*H*-imidazole-1-ethanol and sodium hydroxide; dodecylbenzene sulfonic acid; phosphoric acid; isopropyl alcohol; elemental iodine and hydriodic acid; and calcium chloride, as components of a sanitizing solution to be used on food-processing equipment and utensils, including dairy-processing equipment. This action responds to a petition filed by West Agro, Inc.

DATES: Effective August 10, 1992; written objections and requests for a hearing by September 9, 1992.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 26, 1988 (53 FR 19046), FDA announced that a food additive petition (FAP 7B4010) had been filed by West Agro, Inc., 11100 North Congress Ave., Kansas City, MO 64153-1222. The petition proposed that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of sodium *N*-cyclohexyl-*N*-palmitoyl taurate; acetic acid, chloro-, sodium salt, reaction products with 4,5-dihydro-2-undecyl-1*H*-imidazole-1-ethanol and sodium hydroxide; dodecylbenzene sulfonic acid; phosphoric acid; isopropyl alcohol; iodine/hydriodic acid; and calcium chloride, as components of a sanitizing solution to be used on food-contact surfaces.

I. Safety and Functional Effect of Petitioned Use of the Additives

Sanitizing solutions are mixtures of chemicals which function together to sanitize food-contact surfaces and are regulated as mixtures. Each listed component in a sanitizing solution has a functional effect. The subject sanitizing solution contains elemental iodine and hydriodic acid; sodium *N*-cyclohexyl-*N*-palmitoyl taurate; chloroacetic acid, sodium salt, reaction products with 4,5-dihydro-2-undecyl-1*H*-imidazole-1-ethanol and sodium hydroxide; dodecylbenzene sulfonic acid; phosphoric acid; isopropyl alcohol; and calcium chloride. The function and basis for the agency's determination of the safety of each component are described below.

A. Iodine and Hydriodic Acid

The combination of iodine and hydriodic acid functions as the antimicrobial agent in the subject sanitizing solution. This combination is currently regulated as a component in a sanitizing solution listed under § 178.1010(b)(5). On the basis of the data submitted in support of this regulated use and the data contained in the food additive petition submitted in support of the listing of this sanitizing solution, FDA finds that the use of iodine and hydriodic acid is safe in the subject sanitizing solution.

B. Sodium N-Cyclohexyl-N-Palmitoyl Taurate

Sodium *N*-cyclohexyl-*N*-palmitoyl taurate functions as an iodine complexing agent in the subject sanitizing solution. Sodium *N*-cyclohexyl-*N*-palmitoyl taurate is not currently regulated. On the basis of the data contained in this food additive petition submitted in support of the listing of this sanitizing solution, FDA finds that the use of sodium *N*-cyclohexyl-*N*-palmitoyl taurate in the subject sanitizing solution is safe.

C. Chloroacetic Acid, Sodium Salt, Reaction Products With 4,5-Dihydro-2-Undecyl-1H-Imidazole-1-Ethanol and Sodium Hydroxide

Chloroacetic acid, sodium salt, reaction products with 4,5-dihydro-2-undecyl-1*H*-imidazole-1-ethanol and sodium hydroxide function as a solubilizing agent in the subject sanitizing solution. In this document, the agency is using this preferred nomenclature for the substance identified in the notice of filing as acetic acid, chloro-, sodium salt, reaction products with 4,5-dihydro-2-undecyl-1*H*-imidazole-1-ethanol and sodium hydroxide. This substance is not currently regulated. On the basis of the data contained in this food additive petition submitted in support of the listing of this sanitizing solution, FDA finds that the use of chloroacetic acid, sodium salt, reaction products with 4,5-dihydro-2-undecyl-1*H*-imidazole-1-ethanol and sodium hydroxide in the subject sanitizing solution is safe.

D. Dodecylbenzene Sulfonic Acid

Dodecylbenzene sulfonic acid functions as an iodine complexing agent in the subject sanitizing solution. It is currently regulated for use in several sanitizing solutions under § 178.1010. On the basis of the data submitted in support of regulated uses and the data contained in this food additive petition submitted in support of the listing of this sanitizing solution, FDA finds that the use of dodecylbenzene sulfonic acid in the subject sanitizing solution is safe.

E. Phosphoric Acid

Phosphoric acid functions as an acidulant in the subject sanitizing solution. Phosphoric acid is listed as generally recognized as safe (GRAS) under 21 CFR 182.1073. It is also regulated for use in several sanitizing solutions under § 178.1010. On the basis of the data submitted in support of listed uses, the data contained in this food additive petition submitted in support of the listing of this sanitizing solution, and