airspace. Concurrently with this action, the Double D Ranch Airport will be changed from IFR operations to visual flight rule (VFR) operations only.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Other than that change in terminology, this amendment is the same as that proposed in the notice.

Class E airspace designations for airspace areas extending upward from 700 feet or more above ground level are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document will be removed from the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revokes the Class E airspace at Rosanky, TX, that previously provided controlled airspace from 700 feet AGL, a transition area, for aircraft executing the NDB RWY 10 SIAP into the Double D Ranch Airport is no longer needed.

The FAA has determined that this regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 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

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp. p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6005: Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ASW TX E El Dorado, TX [Removed]

* * * * *

Issued in Fort Worth, TX, on November 19, 1993.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 93–29589 Filed 12–2–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulation No. 16]

RIN 0960–AC97

Exclusion From Income of Gifts of Commercial Transportation Tickets Under the Supplemental Security Income Program

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: This final rule implements section 8011 of the Omnibus Budget Reconciliation Act of 1989 (OBRA 1989). The rule provides that effective March 1, 1990, for purposes of determining eligibility or benefit amount under the supplemental security income (SSI) program, the countable income of an individual shall not include the value of any commercial transportation ticket for travel by such individual (or spouse) among the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands, which is received as a gift by such individual (or such spouse) and is not converted to cash. Under this rule the income exclusion will apply to tickets received by eligible individuals or their eligible spouses as well as by ineligible parents and ineligible spouses from whom income may be deemed to the eligible individuals.

EFFECTIVE DATE: This rule is effective on December 3, 1993.

FOR FURTHER INFORMATION CONTACT: Irving Darrow, Esq., Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 966–0512.

SUPPLEMENTARY INFORMATION: For purposes of the SSI program, income is defined at § 416.1102 to mean anything that is received in cash or in kind which can be used to meet an individual's needs for food, clothing, or shelter. Prior to the enactment of section 8011 of Public Law 101–239, if an eligible individual received a transportation ticket for domestic travel as a gift and could convert that ticket to cash to be used to meet food, clothing, or shelter needs, we would consider the surrender value as unearned income to the individual and reduce his or her SSI benefit accordingly.

Section 8011 of Public Law 101–239, effective March 1, 1990, amended section 1612(b) of the Social Security Act by adding paragraph (15). This paragraph provides for the exclusion from income of the value of any commercial transportation ticket for travel by an eligible individual (or spouse) among the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The exclusion applies if the ticket is received as a gift by the individual (or spouse) and is not converted to cash. This regulation, which implements section 8011 of Public Law 101–239, applies the income exclusion when the gift of transportation tickets is received by the eligible individual or his or her eligible spouse (§ 416.1124(c)(16)). It also applies when such tickets are received by the ineligible spouse of an eligible individual or the ineligible parent of an eligible individual who is a child, in order that the deeming rules not reduce the SSI payment of, or render ineligible, the individual or child (§ 416.1161(a)(19)). Not to apply the income exclusion in such cases could negate the beneficial effect of section 8011 for certain individuals living with their ineligible spouses and children living with their ineligible parents.

The regulation also provides that when a commercial transportation ticket excluded under section 8011 of Public Law 101–239 is cashed, the cash received is income in the month of receipt. This policy is consistent with the express terms of section 8011 that the value of such a ticket be excluded from income if "not converted to cash."

Thus, when a commercial transportation ticket is converted to cash, the exclusion ceases to apply and the cash is counted as income in the month of conversion.

We are also amending § 416.1140(a)(1) to correct a regulatory reference contained therein.

This regulation was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 24, 1992 (57 FR 44146). A 60-day comment period was provided. The comment period ended on November 23, 1992. No comments were received. The NPRM, among other changes, would have added a new paragraph (c)(15) to § 416.1124. Since a paragraph (c)(15) has been promulgated with respect to another exclusion, the material designated as paragraph (c)(15) in the NPRM will be designated as paragraph (c)(16) in the final regulation. With this change, the proposed regulation is adopted.

Regulatory Procedures

Executive Order No. 12291

The Secretary has determined that this is not a major rule under Executive Order 12291, since the costs are expected to be less than $100 million and the threshold criteria for a major rule are not otherwise met. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will affect eligibility for SSI benefits. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, is not required.

Paperwork Reduction Act

This regulation does not impose 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, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: August 6, 1993.

Lawrence H. Thompson,

Principal Deputy Commissioner of Social Security.

Approved: September 22, 1993.

Donna E. Shalala,

Secretary of Health and Human Services.

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

PART 416—[AMENDED]

1. The authority citation for subpart K 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. In § 416.1124, the word "and" at the end of paragraph (c)(13) is removed, the period at the end of paragraph (c)(14) is removed and replaced by a semicolon, the period at the end of paragraph (c)(15) is removed and replaced by "; and ", and a new paragraph (c)(16) is added to read as follows:

§ 416.1124 Unearned income we do not count.

* * * * *

(c) *Other unearned income we do not count.* We do not count as unearned income—

* * * * *

(16) The value of any commercial transportation ticket, for travel by you or your spouse among the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands, which is received as a gift by you or your spouse and is not converted to cash. If such a ticket is converted to cash, the cash you receive is income in the month you receive the cash.

§ 416.1140 [Amended]

3. In § 416.1140(a)(1), the reference to "§ 416.1124(c)(10)" is revised to read "§ 416.1124(c)(12)."

4. In § 416.1161, the word "or" at the end of paragraph (a)(14) is removed, the periods at the end of paragraphs (a)(17) and (a)(18) are replaced by semicolons, and a new paragraph (a)(19) is added to read as follows:

§ 416.1161 Income of an ineligible spouse, ineligible parent, and essential person for deeming purposes.

* * * * *

(a) * * *

(19) The value of a commercial transportation ticket as described in § 416.1124(c)(16). However, if such a ticket is converted to cash, the cash is income in the month your spouse or parent receives the cash.

* * * * *

[FR Doc. 93–29495 Filed 12–2–93; 8:45 am]

BILLING CODE 4190–29–P

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20 CFR Part 416

RIN 0960–AD41

Regulations No. 16, Subparts B, K and L; Exclusion of Earned Income Tax Credits From Income and Resources

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: These final regulations implement those provisions of section 11115 of the Omnibus Budget Reconciliation Act of 1990 which exclude from income under the supplemental security income (SSI) program any refund of Federal income taxes due to the earned income tax credit (EITC) and any advance EITC payments from an employer. Such payments also are excluded by section 11115 from resources in the month following the month of receipt. In addition to implementing these statutory changes, these regulations also provide that SSI applicants and recipients are no longer required to file for EITC payments as a condition of SSI eligibility since such payments are excluded from income.

EFFECTIVE DATE: These rules are effective December 3, 1993.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965–1762.

SUPPLEMENTARY INFORMATION: These regulations implement those provisions of section 11115 of the Omnibus Budget Reconciliation Act of 1990, Public Law (Pub. L.) 101–508, which amended sections 1612(b) and 1613(a) of the Social Security Act (the Act). As amended, section 1612(b) excludes from income, under title XVI, any refund of Federal income taxes due to an EITC and any advance EITC payments from an employer. Such payments also are excluded from resources, by section 1613(a) of the Act, in the month following the month of receipt. In addition, under these regulations, SSI applicants and recipients are no longer required to file for EITC payments as a condition of SSI eligibility since such payments are excluded from income. The SSI provisions of section 11115 of

Public Law 101–508 were effective January 1, 1991.

Prior to January 1, 1991, we counted EITC payments, received either as an advance or a refund, as earned income for purposes of assessing SSI eligibility and benefit amount. Any EITC payments retained into the month following the month of receipt were considered countable resources in that month. As a condition of SSI eligibility, an individual was required to file for any EITC payments for which he or she was eligible. These policies were based on section 1612(a)(1)(C) of the Act and regulations at §§ 416.210, 416.1110, 416.1111, and 416.1201.

Section 1612(a) of the Act defines income for purposes of the SSI program and section 1612(a)(1)(C) of the Act states that earned income includes any refund of Federal income taxes made by reason of section 32 of the Internal Revenue Code of 1954 (relating to earned income tax credit) and any payment made by an employer under section 3507 of such Code (relating to advance payment of earned income tax credit). However, income under section 1612(a) of the Act is subject to various exclusions set out in section 1612(b) of the Act, which, as noted above, was amended by section 11115 of Public Law 101–508 to exclude from income an EITC payment received through a refund of Federal income tax or as an advance payment from an employer.

These regulations were published in the **Federal Register** (57 FR 44348) as a Notice of Proposed Rulemaking on September 25, 1992. Interested parties were given 60 days to submit comments. We received no comments and are adopting the regulations as proposed.

Provisions of the Regulations

Effective January 1, 1991, we exclude from income under these regulations any refund of Federal income taxes due to an EITC and any advance EITC payments from an employer, which an individual receives after December 31, 1990, regardless of the tax year involved.

These regulations also provide that any unspent portion of an EITC advance or refund is excluded from resources in the month following the month of receipt. This includes any unspent portion of an EITC advance or refund received in (but not earlier than) December 1990. Any unspent funds retained into the second month following the month of receipt are subject to resource counting rules at that time.

Under these regulations, individuals are no longer required to file for EITC benefits as a condition of SSI eligibility since such payments are excluded from income.

Section 11115(e) of Public Law 101–508 states that the provision applies "* * * to determinations of income or resources made for any period after December 31, 1990." We interpret this to mean that only EITC payments received after December 31, 1990, are excluded from income. EITC payments received in November or December 1990 which are used in computing payments for January or February 1991 are not excluded from income. We believe that this interpretation correctly reflects the statute since section 11115(e) of Public Law 101–508 applies with respect to "determinations of income" rather than with respect to "benefits." If section 11115(e) had been effective with respect to benefit determinations made after December 31, 1990, retrospective monthly accounting (RMA) would require the exclusion of EITCs received in November and December 1990 for the benefit calculations of January and February of 1991. But determinations of income for a particular month are simply the calculations of countable income for that month which will be used in benefit calculations two months later. Thus, "determinations of income" after December 31, 1990 would only cover income received after that date. An EITC payment received in December 1990 may be excluded from resources in January 1991 since resources by definition include any income that is retained in the month following the month of receipt.

Regulatory Procedures

Executive Order 12291

The Secretary has determined that these are not major rules under Executive Order 12291 since the costs are expected to be less than $100 million, and the threshold criteria for a major rule are not otherwise met. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act of 1980

These regulations impose no new reporting or recordkeeping requirements subject to Office of Management and Budget clearance.

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 individuals. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

(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 (SSI), Reporting and recordkeeping requirements.

Dated: August 6, 1993.

Lawrence H. Thompson,

Principal Deputy Commissioner of Social Security.

Approved: September 22, 1993.

Donna E. Shalala,

Secretary of Health and Human Services.

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 B of part 416 continues to read as follows:

Authority: Secs. 1102, 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act; 42 U.S.C. 1302, 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c; secs. 211 and 212 of Pub. L. 93–66, 87 Stat. 154 and 155; sec. 502(a) of Pub. L. 94–241, 90 Stat. 268; and sec. 2 of Pub. L. 99–643, 100 Stat. 3574.

2. Section 416.210 is amended by revising paragraph (b) to read as follows:

§ 416.210 You do not apply for other benefits.

* * * * *

(b) *What "other benefits" includes.* "Other benefits" includes any payments for which you can apply that are available to you on an ongoing or one-time basis of a type that includes annuities, pensions, retirement benefits, or disability benefits. For example, "other benefits" includes veterans' compensation and pensions, workers' compensation payments, Social Security insurance benefits and unemployment insurance benefits.

* * * * *

3. The authority citation for subpart K 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.

§ 416.1111 [Amended]

4. Section 416.1111 is amended by removing paragraph (c) and redesignating paragraphs (d) and (e) as paragraphs (c) and (d).

5. The introductory text of paragraph (c) of § 416.1112 is republished, and paragraph (c) is amended by

redesignating existing paragraphs (c)(1) through (c)(8) as paragraphs (c)(2) through (c)(9), removing the parenthesis at the end of redesignated paragraph (c)(6) and adding a new paragraph (c)(1) to read as follows:

§ 416.1112 Earned income we do not count.

* * * * *

(c) *Other earned income we do not count.* We do not count as earned income—

(1) Any refund of Federal income taxes you receive under section 32 of the Internal Revenue Code (relating to earned income tax credit) and any payment you receive from an employer under section 3507 of the Internal Revenue Code (relating to advance payment of earned income tax credit);

* * * * *

6. Section 416.1161 is amended by reserving paragraph (a)(19) and by adding paragraph (a)(20) to read as follows:

§ 416.1161 Income of an ineligible spouse, ineligible parent, and essential person for deeming purposes.

* * * * *

(20) Refunds of Federal income taxes and advances made by an employer relating to an earned income tax credit, as provided in § 416.1112(c).

7. 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.

8. Section 416.1210 is amended by removing the word "and" at the end of paragraph (h), replacing the periods at the end of paragraphs (l), (m), and (n) with semicolons, adding "and" at the end of paragraph (n) and by adding a new paragraph (o) to read as follows:

§ 416.1210 Exclusions from resources; general.

* * * * *

(o) Refunds of Federal income taxes and advances made by an employer relating to an earned income tax credit, as provided in § 416.1235.

9. Section 416.1235 is added to read as follows:

§ 416.1235 Exclusion of earned income tax credit.

In determining the resources of an individual (and spouse, if any), we exclude in the month following the month of receipt the unspent portion of any refund of Federal income taxes under section 32 of the Internal Revenue Code (relating to earned income tax credit) and the unspent portion of any payment from an employer under section 3507 of the Internal Revenue Code (relating to advance payment of earned income tax credit). Any unspent funds retained until the first moment of the second month following their receipt are subject to resource counting rules at that time.

[FR Doc. 93–29494 Filed 12–2–93; 8:45 am]

BILLING CODE 4190–29–P

Food and Drug Administration

21 CFR Parts 510 and 558

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a new animal drug application (NADA) from Feed Service Co., Inc., to A. L. Laboratories, Inc. (formerly A. L. Laboratories, Inc., A Subsidiary of A/S Apothekernes Laboratorium for Specialpraeparater).

EFFECTIVE DATE: December 3, 1993.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1646.

SUPPLEMENTARY INFORMATION: Feed Service Co., Inc., 303 Lundin Blvd., P.O. Box 698, Mankato, MN 56001, has informed FDA that it has transferred ownership of, and all rights and interests in NADA 111–637 for Tylosin to A. L. Laboratories, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024. Also, A. L. Laboratories, Inc., has informed FDA of a change of sponsor name from A. L. Laboratories, Inc., A Subsidiary of A/S Apothekernes Laboratorium for Specialpraeparater to A. L. Laboratories, Inc. Accordingly, FDA is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) and 21 CFR 558.625(b)(54) to reflect these changes.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e).

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) in the entry for "A. L. Laboratories, Inc., A Subsidiary of A/S Apothekernes Laboratorium for Specialpraeparater" and in the table in paragraph (c)(2) in the entry for "046573" by revising the sponsor name to read "A. L. Laboratories, Inc."

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.625 [Amended]

4. Section 558.625 *Tylosin* is amended in paragraph (b)(54) by removing "030841" and adding in its place "046573".

Dated: November 29, 1993.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 93–29542 Filed 12–2–93; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 144 and 146

[FRL–4260–7]

Revisions to the Safe Drinking Water Act Underground Injection Control Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final and interim final rule and request for comments.

SUMMARY: This rule adopts, with certain changes, amendments to EPA's Underground Injection Control (UIC) regulations proposed on June 28, 1990