subsection (j) of section 325 of the Act, 42 U.S.C. 6295(j). Each flow rate disclosure shall also be given in liters per minute (L/min) or liters per cycle (L/cycle).

* * * * *

4. Section 305.13 is amended by revising subparagraph (a)(4) to read as follows:

§ 305.13 Promotional material displayed or distributed at point of sale.

(a) * * *

(4) Any manufacturer, distributor, retailer, or private labeler who prepares printed material for display or distribution at point-of-sale concerning a covered product that is a showerhead, faucet, water closet, or urinal shall clearly and conspicuously include in such printed material the product's water use, expressed in gallons and liters per minute (gpm and L/min) or per cycle (gpc and L/cycle) or gallons and liters per flush (gpf and Lpf) as specified in § 305.11(f).

* * * * *

5. Section 305.14 is amended by revising subparagraph (d) to read as follows:

§ 305.14 Catalogs.

* * * * *

(d) Any manufacturer, distributor, retailer, or private labeler who advertises a covered product that is a showerhead, faucet, water closet, or urinal in a catalog, from which it may be purchased, shall include in such catalog, on each page that lists the covered product, the product's water use, expressed in gallons and liters per minute (gpm and L/min) or per cycle (gpc and L/cycle) or gallons and liters per flush (gpf and Lpf) as specified in § 305.11(f).

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95–6484 Filed 3–15–95; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 95–21]

RIN 1515–AB47

Test Programs

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adding a new provision that allows for test programs and procedures in general and, specifically, for purposes of implementing those Customs Modernization provisions of the North American Free Trade Agreement Implementation Act that provide for the National Customs Automation Program. The regulation allows the Commissioner of Customs to conduct limited test programs/procedures, which have as their goal the more efficient and effective processing of passengers, carriers, and merchandise. Test programs may impose upon eligible, voluntary participants requirements different from those specified in the Customs Regulations, but only to the extent that such different requirements do not affect the collection of the revenue, public health, safety, or law enforcement.

EFFECTIVE DATE: April 17, 1995.

FOR FURTHER INFORMATION CONTACT: John Durant, Director, Commercial Rulings Division, (202) 482–6990.

SUPPLEMENTARY INFORMATION:

Background

Title VI of the North American Free Trade Agreement Implementation Act (the Act), Public Law 103–182, 107 Stat. 2057 (December 8, 1993), contains provisions pertaining to Customs Modernization (107 Stat. 2170). Subtitle B of title VI establishes the National Customs Automation Program (NCAP)—an automated and electronic system for the processing of commercial importations. Section 631 in Subtitle B of the Act creates sections 411 through 414 of the Tariff Act of 1930 (19 U.S.C. 1411–1414), which define and list the existing and planned components of the NCAP (section 411), promulgate program goals (section 412), provide for the implementation and evaluation of the program (section 413), and provide for remote location filing (section 414).

Section 631 of the Act provides Customs with direct statutory authority for full electronic processing of all Customs-related transactions. For each planned NCAP program component, Customs is required to prepare a separate implementation plan in consultation with the trade community, establish eligibility criteria for voluntary participation in the program, test the component, and transmit to Congress the implementation plan, testing results, and an evaluation report. The testing of any planned NCAP components would be conducted under carefully delineated circumstances—with objective measures of success or failure, a predetermined time frame, and a defined class of participants. Notice of any NCAP program component testing would be published in both the Customs Bulletin and the **Federal Register** and participants solicited.

In addition to testing planned NCAP components, Customs also proposed conducting limited test programs/procedures in other areas of Customs-related transactions wherein Customs and the trade community could benefit from the valuable information that such testing could provide. Thus, Customs proposed a general test authority in order both to meet its obligations under the NCAP legislation and to provide itself with the ability to obtain information necessary to predict the effects of various policy options.

The regulation proposed would allow the Commissioner of Customs to conduct limited test programs and procedures and allow certain eligible members of the public to participate on a voluntary basis. Also, because test programs could require exemptions from regulations in various parts of the Customs Regulations, *e.g.*, parts 113 (Customs bonds), 141 (entry of merchandise), 142 (entry process), 171 (fines, penalties, and forfeitures), 174 (protests), and 191 (drawback), participants would be subject to requirements different from those specified in the Customs Regulations, but only to the extent that such different requirements do not affect the collection of the revenue, public health, safety, or law enforcement. Accordingly, pursuant to the Secretary's authority under section 624 of the Tariff Act of 1930 (19 U.S.C. 1624) to make such rules and regulations as may be necessary to carry out the provisions of the Tariff Act of 1930 and pursuant to the requirement set forth in section 413 of the Tariff Act of 1930 (19 U.S.C. 1413) that the Secretary test planned NCAP program components, on August 16, 1994, Customs published a Notice of Proposed Rulemaking in the **Federal Register** (59 FR 41992) that proposed to amend part 101 of the Customs Regulations (19 CFR part 101) by adding a new § 101.9 that would allow the Commissioner of Customs to conduct limited test programs and procedures in general and for purposes of implementing NCAP program components. Seven comments, most favorable to the proposed regulation, were received. These comments raised four areas of concern. The comments received and Customs responses to them are set forth below.

Discussion of Comments

Comments were received from corporate sureties (1), customs brokers

(4), and transportation associations (2). The comments raised four areas of concern. The concerns relate to: (1) Generally, whether there will be equal opportunity to participate in tests and whether statutory requirements would be subject to suspension; (2) the manner and amount of notice that would be provided; (3) the length of time in which tests would be conducted; and, (4) the nature of voluntary participation. We address each of these concerns *seriatim*.

In General

Comment: A commenter states that language should be added to § 101.9(a) ''to protect Customs businesses'' to the effect that no test shall be made that will give economical advantages to one class of importer, exporter, carrier, customs broker, freight forwarder, or courier over another, or one geographic area over another.

Customs Response: While Customs understands the commenter's concern, it believes that adding the suggested language to the regulation would unduly inhibit Customs ability to modernize, i.e., to streamline and automate the commercial operations of the Customs Service, the reason the Customs Modernization provisions were promulgated in the first place. The purpose of a test is to experiment to see if something works. Hopefully, if the test is successful, those who have chosen to participate will benefit. Customs, however, does not wish to be unfair to non-participants. Accordingly, the proposed regulation provides for notice in the **Federal Register** to the public when a test will be run. These notices of proposed tests will allow all interested parties to choose to participate and to comment on any problem they perceive will result from the test proposed, including a perceived problem of economical advantages being offered to one party over another. Customs, generally, will attempt to address such concerns before a test is run. If there are instances when Customs may need to conduct tests that are company-/industry-specific, so that economies of scale and other program parameters can be realized, the proposed regulation seeks to limit the advantage that the test may provide by requiring that the test be limited in time and scope.

While not adding the language suggested by the commenter, Customs has determined, after review of this comment and others, to modify the proposal to broaden the notice requirements. As now drafted, the final regulation no longer provides that public notice is not required for non-NCAP tests affecting carriers and passengers. Further, the ''whenever practicable'' language in the non-NCAP paragraph describing the publication requirement is removed. Instead, the regulation provides that whenever a particular test allows for deviation from any regulatory requirement, notice shall be published in the **Federal Register** not less than 30 days prior to implementing such test. Customs believes that this allows all Customs businesses to comment on all tests and provides adequate time for comments.

Comment: Two commenters are concerned with whether tests will be conducted other than on a parallel basis which would violate a *statutory* requirement. One of these commenters argues that language should be added to § 101.9(a) to the extent that no test should be implemented that is contrary to U.S. law, because federal agencies should not be allowed to set up a ''test'' as a simple way of circumventing the laws passed by Congress.

Customs Response: Customs believes that it is clearly understood that any test programs will be consistent with statutes and, therefore, it is unnecessary to add language to the regulation to so indicate.

Notice

Comment: The proposed regulatory text may not provide sureties with proper and timely notice of variations of its risk. The commenter, a corporate surety, states that notice provided ''whenever practicable'' or ''within a reasonable period of time'' may run contrary to the stated objectives of the Notice because it would ''affect the collection of revenue'' by varying the surety's risk under its bond. The obligation of a compensated surety is predicated upon certain known risks or underwriting components and to the extent a surety's risk is varied without its prior consent, sureties could be discharged from any obligation under their bonds. Accordingly, the commenter suggests that proper and timely notice of all test programs and results should be provided to sureties to enable them to decide whether to agree to be bound under a particular varied risk arising under a NCAP test program.

Another commenter believing that the § 101.9(b)(2) requirement for publication of complete test results ''within a reasonable time'' is not specific enough recommends that the regulation should provide that, ''unless extended by **Federal Register** Notice, within 60 days following the completion of the test, complete test results shall be published.'' Further, the commenter urges that the published results also include a list of the participants in the test.

Customs Response: Test programs will not be run that affect the collection of the revenue. All duties, taxes, and fees owed to the U.S. by law continue to be owed by the responsible parties throughout any test program.

Regarding the issue of proper and timely notice to sureties, Customs has modified the proposal in this final rule to provide that whenever a particular test allows for deviation from any regulation requirement, notice shall be published not less than 30 days prior to implementing such test. When there is publication in the **Federal Register**, such publication serves as constructive notice and is notice to all. Customs believes that the 30-day time frame affords interested sureties adequate time to discuss any of their bond conditions within the context of participating in a test program, and to separately respond to those test notices about which they may have questions concerning their underwritten risk. In accordance with the above, Customs has determined that it will not provide separate notices to sureties.

Regarding the suggestion to amend the proposed regulation to provide that publication of complete test results be accomplished within 60 days unless extended by **Federal Register** notice, Customs does not agree. While in general Customs will make every effort to publish discrete test results as soon as possible, setting forth a specific time frame in the regulation—applicable to all tests results—will not give the Customs Service the flexibility it needs to properly evaluate certain NCAP program components to assess their contribution toward achieving specified program goals. Some tests may not be one-time tests, and others may build on other test results.

Concerning publishing a list of the participants in an NCAP test, while Customs has no hesitation in providing this information, Customs does not want to routinely publish such lists. Accordingly, Customs will provide a list of participants upon written request and believes that this element of test notices need not be set forth in the regulation.

Comment: A commenter states that, although notification of tests will be published in the **Federal Register** and the Customs Bulletin, Customs should ensure that the trade community is involved and informed about all of the test programs and procedures for the various components. Accordingly, the commenter suggests that test information be sent via electronic mail to the main contacts for various trade community representatives or that a

primary contact, knowledgeable of all test programs and procedures be appointed as the single contact for the trade community. Also, the commenter does not feel that the proposed regulation should further the cause for producing additional 'paper-based' forms.

Customs Response: Section 631 of the Act specifically requires the Secretary to consult with the trade community, to include importers, brokers, shippers, and other affected parties when developing NCAP program components. To this end, in addition to the regulatory notification requirements adopted, Customs will be placing test information on the Customs electronic bulletin board. As for furthering the need for paper-based forms, it is hoped that the need for this medium of information will be changed based on tests proposed to take advantage of new or changing technologies.

Comment: A commenter states that proposed § 101.9(a)(2) should be amended to require advance notification to passengers and carriers because tests affecting passengers will necessarily affect the carriers they use. Thus, carriers should be notified of proposed tests well in advance.

Customs Response: As stated earlier in the document, Customs is modifying the proposal in this final rule to provide notice whenever a particular test allows for deviation from any regulation requirement.

Comment: One commenter states that it is not at all clear from either the **BACKGROUND** section or the proposed regulatory text section of the Notice whether the procedures which will be tested will be in addition to those already required under the regulations, *i.e.*, will they constitute a parallel test, or whether the current regulatory procedures would not be followed. If the latter is the case, proposed § 101.9 should provide that Customs Headquarters will issue a letter to each participant advising them of the fact that, during the period of the test, they will not have to abide by certain identified regulation(s) or specify any other requirements.

Customs Response: The proposal to amend § 101.9 to provide that Customs will issue a letter to participants only advising them that they will not have to abide by certain identified regulation(s) or specify any other requirements is rejected. This approach is not in keeping with program requirements to consult with the trade community. Instead, each **Federal Register** notice published announcing a specific test will identify which, if any, regulatory requirements may be suspended for purposes of the test. Customs believes such publication will afford all interested parties an opportunity to comment on planned tests. Accordingly, no change to the regulation is made based on this comment.

Time/Duration

Comment: A commenter believes that implementation of the proposed rule, as written, would mean that Customs would have *carte blanche* authority to do whatever it wanted with respect to ''testing'', ''procedures'' or any derivation of these two words. It could conduct such ''tests'' or invoke such ''procedures'' for whatever period of time it decided—one month, one year, five years. Customs could select whomever it chose to participate without being subject to anyone's challenge. The sole interpreter would be Customs and neither importers nor brokers would have any timely recourse. For these reasons, it strongly opposes issuance of the rule as proposed; there is too big a chance for misuse.

Customs Response: The purpose of publishing test proposals in the **Federal Register** is to avoid such problems. The Customs Modernization provisions are intended, in part, to provide safeguards, uniformity, and due process rights for importers. Customs believes that the publication requirement imposed by the proposed regulation adequately meets the unlimited-time-fears expressed by the commenter and affords all interested parties the opportunity to comment on any aspect of proposed tests, including the proposed length of a test. Accordingly, no change to the regulation is made based on this comment.

Comment: A commenter states that the 30-day time period for giving notice prior to implementing a test, provided at §§ 101.9 (a)(2) and (b)(1), should be increased to 60 days to allow adequate time for the trade community to comment on proposed tests and to give Customs time to review the comments before the test is put into effect. To this end the commenter states that Customs has, in the past, instituted ''programs'', *e.g.*, revising the CF 7512, which resulted in the public spending hundreds of thousands of dollars to acquire the new form only to have Customs withdraw the form because of problems with the form. The commenter suggests that an extended comment period will save more money than it costs over the long run. Further, since almost all tests will involve computer programming time, the trade will need the additional time to reprogram their computers for the test.

Customs Response: As already stated, Customs will be publishing notice of proposed tests on the Customs electronic bulletin board and otherwise inform the trade community of pending developments. As no rational basis has been given to double the length of time for comments—from 30-days to 60-days—and the present electronic environment adequately affords Customs time to review comments before a test is implemented, no change to the regulation is made based on this comment.

Comment: A commenter suggests that the ''time'' for a test should be defined—given a definite time restriction—and published with the initial notification of a test, as, in the past, Customs has had some ''tests'' go on for years, *e.g.*, monthly periodic Customs entries on automobile parts and imports of oil and gas. Further, if the test is successful, the Customs Regulations and practices should be changed so that the new procedure(s) can be enjoyed by all. And if it is necessary to extend a test period, 30 days prior to the test end date, notice should be published.

Also concerned with the length of time for a test, another commenter suggests that in all cases, the regulation should specify that the notice must contain either the specific dates for the test (beginning and ending) or the length of the test. If Customs finds it cannot adhere to the period specified, a notice should be published specifying the reasons for the variance and the new dates. This procedure, it is felt, will avoid what has been the past practice of continuing tests *ad infinitum*.

Customs Response: These comments concerning unlimited time periods for tests do not square with the provisions of the proposed regulation, which expressly state that tests will be ''limited in scope, time, and application to such relief as may be necessary to facilitate the conduct of a specified program or procedure.'' 19 CFR 101.9 (a)(1) and (b). At the risk of sounding repetitive, we again state that the publication requirement will allow all interested parties to comment on proposed tests and to express their particular concerns. This publication requirement does not constitute a hollow gesture on Customs part, as, for NCAP tests, Customs must subsequently prepare a user satisfaction survey of parties participating in the program and transmit a report of this survey to Congress. As the proposed regulations adequately address these comments, no change to the regulation is made based on this comment.

Voluntary Participation

Comment: Two commenters express concern regarding the ''voluntary'' nature of participation in tests. One commenter states that voluntary participation in a test should mean that volunteers should be allowed to withdraw from a test upon a change in the conditions of the test. The other commenter suggests that, to recognize the importance of Customs test programs and filers' voluntary participation in these programs, a new paragraph (c) be added to § 101.9 to read as follows:

(c) *Voluntary participation.* For tests affecting the entry of merchandise, and for which participation by an entry filer requires or includes a change in the manner, amount, or format of data submitted to Customs by that filer, such participation shall be entirely voluntary. An otherwise qualified filer's entry privileges, including but not limited to electronic entry privileges, may not be reduced, suspended, limited, or withdrawn by Customs solely because that filer declines to participate in one or more such tests.

The commenter states that the voluntary status of filer participation in new Customs programs would be explicitly limited to those involving merchandise, and to those which are in fact test programs. There would be no impediment to Customs mandatory implementation of uniform procedures at points *past* the test stage.

The commenter states the impetus for this amendment to the proposed regulations is a recent Customs/FDA electronic interface pilot program in Seattle. Although in the first few months of the program filer participation was entirely voluntary, such that brokerage firms could elect when to participate, for the last year and a half participation has been mandatory for Seattle-area brokers who wish to file their entries electronically. If a Seattle broker does not wish to participate in the pilot program, that broker must file non-ABI entries for cargo subject to FDA oversight. In effect, the commenter claims that such a broker is penalized by Customs for declining to participate in that particular test program. In general, the commenter is also very concerned about the potential impact of some types of Customs test programs upon certain sections of the trade community, especially those test programs which alter the manner, amount, or format of data transmitted by an entry filer to Customs, as such programs require the filer to incur at least some additional costs, in order to participate in each test program.

Customs Response: Section 631 of the Act expressly provides that ''[p]articipation in the [NCAP] Program is voluntary.'' 19 U.S.C. 1411(b). Accordingly, a broker's, importer's, etc., initial decision to become automated is entirely voluntary. However, as stated in the **BACKGROUND** portion of the **Federal Register** notice of proposed rulemaking, section 631 of the Act also provides Customs with direct statutory authority for full electronic processing of all Customs-related transactions. Thus, for Customs to implement the NCAP and comply with the other mandates of section 631—(1) development of separate implementation plans for each NCAP component, in consultation with the trade community, (2) establishment of eligibility criteria for voluntary participation, (3) testing of the components, and (4) transmittal to Congress of the implementation plan, testing results, and an evaluation report—a certain continuity of test participants must be observed. Accordingly, while Customs will make every effort to make as many aspects of tests as completely voluntary as possible, Customs believes that while the decision by a broker or other participant to participate in an automated Customs program is voluntary in the first instance, continued participation in a particular test may be required. In any event, a participant may always choose to not participate with a particular automated component if the parameters of the testing are not to their liking. If any doubts as to participation in a particular test program or procedure exist after the parameters of the test are published in the **Federal Register**, the hesitant participant should take advantage of the comment period to seek clarification. Accordingly, because of the extensive statutory requirements that Customs must meet to conduct NCAP tests, Customs does not believe that further regulatory language is needed at this time.

Inapplicability of the Regulatory Flexibility Act, and Executive Order 12866

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and based upon the information set forth above, it is certified that the regulation will not have a significant impact on a substantial number of small entities. Accordingly, the regulation is not subject to the regulatory analysis or other requirements of U.S.C. 603 and 604. Further, this document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Drafting Information

The principal author of this document was Gregory R. Vilders, Attorney, Office of Regulations and Rulings, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Sureties, Tests.

Amendments to the Regulations

For the reasons stated above, part 101 of the Customs Regulations (19 CFR part 101) is amended as set forth below:

PART 101—GENERAL PROVISIONS

1. The authority citation for part 101 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 17, Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624.

Section 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b;

Section 101.9 also issued under 19 U.S.C. 1411–1414.

2. In part 101, a new § 101.9 is added to read as follows:

§ 101.9 Test programs or procedures; alternate requirements.

(a) *General testing.* For purposes of conducting a test program or procedure designed to evaluate the effectiveness of new technology or operational procedures regarding the processing of passengers, vessels, or merchandise, the Commissioner of Customs may impose requirements different from those specified in the Customs Regulations, but only to the extent that such different requirements do not affect the collection of the revenue, public health, safety, or law enforcement. The imposition of any such different requirements shall be subject to the following conditions:

(1) *Defined purpose.* The test is limited in scope, time, and application to such relief as may be necessary to facilitate the conduct of a specified program or procedure;

(2) *Prior publication requirement.* Whenever a particular test allows for deviation from any regulatory requirements, notice shall be published in the **Federal Register** not less than thirty days prior to implementing such test, followed by publication in the Customs Bulletin. The notice shall invite public comments concerning the methodology of the test program or procedure, and inform interested members of the public of the eligibility criteria for voluntary participation in

the test and the basis for selecting participants.

(b) *NCAP testing.* For purposes of conducting an approved test program or procedure designed to evaluate planned components of the National Customs Automation Program (NCAP), as described in section 411(a)(2) of the Tariff Act of 1930 (19 U.S.C. 411), the Commissioner of Customs may impose requirements different from those specified in the Customs Regulations, but only to the extent that such different requirements do not affect the collection of the revenue, public health, safety, or law enforcement. In addition to the requirement of paragraph (a)(1) of this section, the imposition of any such different requirements shall be subject to the following conditions:

(1) *Prior publication requirement.* For tests affecting the NCAP, notice shall be published in the **Federal Register** not less than thirty days prior to implementing such test, followed by publication in the Customs Bulletin. The notice shall invite public comments concerning any aspect of the test program or procedure, and inform interested members of the public of the eligibility criteria for voluntary participation in the test and the basis for selecting participants; and,

(2) *Post publication requirement.* Within a reasonable time period following the completion of the test, a complete description of the results shall be published in both the **Federal Register** and the Customs Bulletin.

Approved: February 21, 1995.

George J. Weise,

Commissioner of Customs.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 95–6525 Filed 3–15–95; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

RIN 0960–AC22

Supplemental Security Income for the Aged, Blind, and Disabled; Continuation of Benefits and Special Eligibility for Certain Severely Impaired Recipients Who Work; Appeal Rights Following Mass Change Resulting in Reduction, Suspension, or Termination of State Supplementary Payments; and Deemed Application Date Based on Misinformation; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Correction to final rules.

SUMMARY: This document contains corrections to the final rules published in the **Federal Register** on Friday, August 12, 1994 (59 FR 41400), Monday, August 22, 1994 (59 FR 43035), and Wednesday, August 31, 1994 (59 FR 44918). We are correcting incorrect paragraph redesignations and related amendatory instructions, as well as making one technical correction to a paragraph in one regulatory section.

EFFECTIVE DATE: March 16, 1995.

FOR FURTHER INFORMATION CONTACT: Regarding this **Federal Register** document—Richard M. Bresnick, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1758; regarding eligibility or filing for benefits—our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION: In the final rules that appeared on page 41400 in the **Federal Register** issued of Friday, August 12, 1994, we had incorrect paragraph redesignations in amendatory item 15. We indicated that in § 416.1402 we were redesignating paragraphs (i) through (n) as paragraphs (h) through (m). However, paragraph (n) had not yet been published. Thus, paragraphs (i) through (m) should have been redesignated as paragraphs (h) through (l). The new paragraph (n) was to be contained in other final rules, ''Deemed Application Date Based on Misinformation,'' which were to be published before these rules but were not published until August 31, 1994 (59 FR 44918). We discovered this before ''Deemed Application Date Based on Misinformation'' was published, however, and changed the designation of that new paragraph in the later rules to paragraph (m) to reflect the proper redesignation which should have been made in the rules published on August 12, 1994.

In the interim, on August 22, 1994, we published other final rules, ''Appeal Rights Following Mass Change Resulting in Reduction, Suspension, or Termination of State Supplementary Payments'' (59 FR 43035), which contained a new paragraph designated paragraph (n) in § 416.1402 which would have been correct if the regulations had been published in the anticipated sequence. The amendatory item 3 in these final rules contained other incorrect paragraph designations and instructions for punctuating § 416.1402. Further, similar incorrect instructions for revising § 416.1402 were contained under part 416 in amendatory item 6 in the final rules published on August 31, 1994. Also, paragraph (m) as published in these rules was incorrectly punctuated and did not have the word ''and'' following it. Therefore, we are correcting all three amendatory items and paragraph (m) itself to reflect the correct paragraph designations, punctuation, and ending word ''and.'' With these corrections, all the paragraphs and amendatory instructions will be correct. Make the corrections as follows:

1. In the **Federal Register** issue of August 12, 1994, in the second column on page 41405, amendatory item 15 should read as follows:

15. Section 416.1402 is amended by revising paragraphs (a) and (b), removing paragraph (h), and redesignating paragraphs (i) through (m) as paragraphs (h) through (l), respectively to read as follows:

2. In the **Federal Register** issue of August 22, 1994, in the first column on page 43039, amendatory item 3 should read as follows:

3. Section 416.1402 is amended by removing the word ''and'' following the semicolon at the end of paragraph (k), replacing the period at the end of paragraph (l) with a semicolon and adding the word ''and'' after the semicolon, and adding a new paragraph (n) to read as follows:

3. In the **Federal Register** issue of August 31, 1994, in the third column on page 44927, amendatory item 6 under part 416 should read as follows:

6. Section 416.1402 is amended by removing the word ''and'' following the semicolon at the end of paragraph (l) and adding a new paragraph (m) to read as follows:

§ 416.1402 Administrative actions that are initial determinations.

* * * * *