

Approved: December 20, 1995.
 Shirley S. Chater,
Commissioner of Social Security.

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:

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

Subpart B—[Amended]

1. The authority citation for subpart B of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act (42 U.S.C. 902(a)(5), 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c); secs. 211 and 212, Pub. L. 93-66, 87 Stat. 154 and 155 (42 U.S.C. 1382 note); sec. 502(a), Pub. L. 94-241, 90 Stat. 268 (48 U.S.C. 1681 note); sec. 2, Pub. L. 99-643, 100 Stat. 3574 (42 U.S.C. 1382h note).

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. "Other benefits" for which you are required to apply do not include payments that you may be eligible to receive from a fund established by a State to aid victims of crime. (See § 416.1124(c)(17).)

* * * * *

Subpart K—[Amended]

3. The authority citation for Subpart K of Part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93-66, 87 Stat. 154 (42 U.S.C. 1382 note).

4. Section 416.1124 is amended by replacing the periods after paragraphs (c)(9) and (c)(16) with semicolons, by removing "and" from the end of (c)(15), and by adding new paragraphs (c)(17) and (c)(18) to read as follows:

§ 416.1124 Unearned income we do not count.

* * * * *

(c) * * *

(17) Payments received by you from a fund established by a State to aid victims of crime; and

(18) Relocation assistance provided you by a State or local government that is comparable to assistance provided under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 that is subject to the treatment required by section 216 of that Act.

5. Section 416.1161 is amended by replacing the period after paragraph (a)(20) with a semicolon, and by adding new paragraphs (a)(21) and (a)(22) to read as follows:

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

* * * * *

(a) * * *

(21) Payments from a fund established by a State to aid victims of crime (see § 416.1124(c)(17)); and

(22) Relocation assistance, as described in § 416.1124(c)(18).

Subpart L—[Amended]

6. The authority citation for subpart L of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93-66, 87 Stat. 154 (42 U.S.C. 1382 note).

7. Section 416.1204 is amended by revising paragraph (a) to read as follows:

§ 416.1204 Deeming of resources of the sponsor of an alien.

* * * * *

(a) *Exclusions from the sponsor's resources.* Before we deem a sponsor's resources to an alien, we exclude the same kinds of resources that are excluded from the resources of an individual eligible for SSI benefits. The applicable exclusions from resources are explained in § 416.1210 (paragraphs (a) through (i), (k), and (m) through (q)) through § 416.1239. For resources excluded by Federal statutes other than the Social Security Act, as applicable to the resources of sponsors deemed to aliens, see the appendix to subpart K of part 416. We next allocate for the sponsor or for the sponsor and spouse (if living together). (The amount of the allocation is the applicable resource limit described in § 416.1205 for an eligible individual and an individual and spouse.)

* * * * *

8. Section 416.1210 is amended by removing "and" from the end of paragraph (n), by replacing the period at the end of paragraph (o) with a semicolon, and by adding new paragraphs (p) and (q) to read as follows:

§ 416.1210 Exclusions from resources; general.

* * * * *

(p) Payments received as compensation for expenses incurred or losses suffered as a result of a crime as provided in § 416.1229; and

(q) Relocation assistance from a State or local government as provided in § 416.1239.

9. A new § 416.1229 is added to read as follows:

§ 416.1229 Exclusion of payments received as compensation for expenses incurred or losses suffered as a result of a crime.

(a) In determining the resources of an individual (and spouse, if any), any amount received from a fund established by a State to aid victims of crime is excluded from resources for a period of 9 months beginning with the month following the month of receipt.

(b) To be excluded from resources under this section, the individual (or spouse) must demonstrate that any amount received was compensation for expenses incurred or losses suffered as the result of a crime.

10. A new § 416.1239 is added to read as follows:

§ 416.1239 Exclusion of State or local relocation assistance payments.

In determining the resources of an individual (or spouse, if any), relocation assistance provided by a State or local government (as described in § 416.1124(c)(18)) is excluded from resources for a period of 9 months beginning with the month following the month of receipt.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 95F-0169]

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 tri[2(or 4)-C₉₋₁₀-branched alkylphenyl]phosphorothioate as an extreme pressure-antiwear adjuvant in lubricants with incidental food contact. This action is in response to a petition filed by Ciba-Geigy Corp.

DATES: Effective January 23, 1996; written objections and requests for a hearing by February 22, 1996.

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: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 20, 1995 (60 FR 37453), FDA announced that a food additive petition (FAP 5B4465) had been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532-2188. The petition proposed to amend the food additive regulations in § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) to provide for the safe use of tri[2(or 4)-C₉₋₁₀-branched alkylphenyl]phosphorothioate as an extreme pressure-antiwear adjuvant in lubricants with incidental food contact.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that the proposed use of the additive is safe, that the additive will have the intended technical effect, and that the regulations in § 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 February 22, 1996, 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 objection 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, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

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.

*	*	*	*	*
(a)	*	*	*	*
(3)	*	*	*	*

Substances	Limitations
* * *	* * *
Tri[2(or 4)-C ₉₋₁₀ -branched alkylphenyl]phosphorothioate (CAS Reg. No. 126019-82-7).	For use only as an extreme pressure-antiwear adjuvant at levels not to exceed 0.5 percent by weight of the lubricant.
* * *	* * *

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Dated: January 3, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96-814 Filed 1-22-96; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD05-95-029]****RIN 2115-AE47****Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, VA****AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

SUMMARY: At the request of the City of Chesapeake, the Coast Guard is changing the regulations that govern the operation of the Dominion Boulevard drawbridge across the Southern Branch of the Elizabeth River, Atlantic Intracoastal Waterway, mile 8.8, at Chesapeake, Virginia, by extending the period of restricted bridge openings for recreational vessels during the morning rush hours. It is also eliminating language referring to an evening rush hour opening for waiting recreational boats. This rule is intended to provide for regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on February 22, 1996.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

SUPPLEMENTARY INFORMATION:**Drafting Information**

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and CDR T.R. Cahill, Project Counsel, Fifth Coast Guard District Legal Office.

Regulatory History

On July 20, 1995, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Elizabeth River, Southern Branch, Chesapeake, Virginia" in the Federal

Register (60 FR 37417). In addition to publishing the NPRM, the Coast Guard also announced the proposed changes in Public Notice 5-860. The comment period ended October 18, 1995. Two comments were received. A public hearing was not requested and one was not held.

Background and Purpose

The Dominion Boulevard Bridge, also known as the Steel Bridge, crosses the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, mile 8.8. The proposed changes were requested by the City of Chesapeake, Virginia, in order to alleviate delays to vehicle traffic caused by opening the draw for passage of recreational vessels.

Discussion of Comments and Changes

The NPRM proposed changes to 33 CFR 117.997, regulations governing operation of a drawbridge across the Southern Branch of the Elizabeth River on Dominion Boulevard (Route 190), in Chesapeake, Virginia. The proposed changes included extending the morning rush hour period of restricted openings from 8 a.m. to 9 a.m. and eliminating language referring to a 5 p.m. opening for waiting recreational vessels.

Two comments were received on the proposed changes, one from a commercial waterway user and one from a recreational boater. Both comments objected to the proposed changes. A commercial waterway user requested that the hours of restriction apply only to openings for recreational vessels, and not to openings for commercial vessels. The NPRM did not propose changes to bridge openings for commercial vessels, and this final rule does not change the previous requirement. The draw will continue to open on signal for commercial vessels.

A recreational boater asked that the Coast Guard schedule openings for recreational vessels during the hours of restricted openings. The Coast Guard does not agree. As a result of urban development, Dominion Boulevard has become a heavily-travelled commuter thoroughfare. Bridge openings during rush hours severely disrupt vehicular traffic. The purpose of the proposed changes is to establish a schedule that balances the reasonable needs of waterway users and the reasonable needs of vehicular traffic. The Coast Guard believes that the proposed changes will improve the flow of motor traffic and diminish vehicular delay while not unduly restricting the passage of recreational vessels. A boat would have to wait no more than two hours for the next opening, and a recreational

vessel owner may plan the vessel's transit based on the hours of unrestricted openings.

This final rule adopts the changes proposed in the NPRM. It extends the end morning rush hour period of restricted openings from 8 a.m. to 9 a.m. The morning rush hour period of restricted openings will now run from 7 a.m. to 9 a.m. The evening rush hour period will continue to run from 4 p.m. to 6 p.m., and a provision specifically referring to a 5 p.m. opening for waiting recreational vessels is eliminated. The draw will continue to open on signal for passage of commercial vessels. It will also continue to open at any time for passage of vessels in emergencies involving danger to life or property.

This final rule also includes an editorial change to make 33 CFR 117.997 consistent with Coast Guard bridge administration policies. Coast Guard policy is to specify, by regulation, the periods of time and conditions for which a bridge must open for passage of vessels. By implication, the bridge may remain closed except as specified. However, the Coast Guard does not require that a bridge remain closed, and a bridge owner or operator may open the bridge even though not required to do so. Therefore, in 33 CFR 117.997(e)(1), this final rule adopts language to indicate that the bridge "need not" open for passage of recreational vessels during the specified periods, rather than indicate that it may not open during those periods.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify