

address abroad and signed by an official of the financial institution after the date you arrived in the country in which you will be residing.

**§ 408.437 How do you prove that you had good cause for staying in the United States for more than 1 full calendar month?**

(a) *General rule.* If you believe that you meet the requirements in § 408.234 and that you should continue to receive SVB payments even though you have been in the United States for more than 1 full calendar month, you must give us evidence that you had good cause for staying in the United States.

(b) *Circumstances prevent you from returning to your home abroad.* To prove that you had good cause for staying in the United States for more than 1 full calendar month, you must give us evidence of your good faith effort to return to your home abroad before the 1-month period had elapsed and of the circumstances/event which prevented your return to your home abroad.

(1) *Evidence of your good faith effort to return to your home abroad.* Evidence of your plans to return to your home abroad can include, but is not limited to:

(i) A plane ticket showing that you intended to return to your home abroad before the expiration of 1 full calendar month; or

(ii) Notice from a travel agency or airline confirming the cancellation of your reservation to return to your home abroad on a date within 1 full calendar month.

(2) *Evidence of the circumstances preventing your return to your home abroad.* The evidence we will accept from you to support the circumstance or event that prevented you from returning to your home abroad will depend on the reason you are staying in the United States. It can include, but is not limited to, a:

(i) Newspaper article or other publication describing the event or natural disaster which prevented your return; or

(ii) Doctor's statement, etc. showing that you are unable to travel; or

(iii) Death certificate or notice if you are staying in the United States to attend the funeral of a member of your family.

(c) *You are appealing a decision we made.* To establish that you had good cause to stay in the United States for more than 1 full calendar month because you want to appear in person at the appeal of a decision on a claim filed under a program administered by the Social Security Administration, you must submit evidence of this. The evidence must identify the appeal

proceeding and the dates you are scheduled to attend.

(d) *When we may ask for more evidence.* If you stay in the United States for several months, we may ask you to give us more evidence to prove that you are still unable to return to your home abroad.

**Subpart E—Amount and Payment of Benefits**

**Authority:** Secs. 702(a)(5), 801, 805, and 810 of the Social Security Act (42 U.S.C. 902(a)(5), 1001, 1005, and 1010).

**§ 408.501 What is this subpart about?**

This subpart explains how we compute the amount of your monthly SVB payment, including how we reduce your payments if you receive other benefit income. It also explains how we pay benefits under the SVB program.

**§ 408.505 How do we determine the amount of your SVB payment?**

(a) *Maximum SVB payment.* The maximum monthly SVB payment is equal to 75% of the FBR for an individual under title XVI of the Act. See § 416.410 of this chapter.

(b) *Cost-of-living adjustments in the FBR.* The maximum SVB amount will increase whenever there is a cost-of-living increase in the SSI FBR under the provisions of § 416.405 of this chapter. The basic SVB amount following such an increase is equal to 75% of the increased FBR.

(c) *When we will reduce the amount of your basic benefit.* We will reduce your basic benefit by the amount of the other benefit income you receive in that month, as explained in § 408.510.

**§ 408.510 How do we reduce your SVB when you receive other benefit income?**

(a) *Amount of the reduction.* If you receive other benefit income as defined in § 408.220, we will reduce your SVB payment by the amount of the other benefit income you receive in that month. The reduction is on a dollar-for-dollar and cents-for-cents basis. We do not round SVB payment amounts except as described in paragraph (b) of this section.

(b) *Minimum benefit amount.* If the reduction described in paragraph (a) of this section results in a benefit amount that is greater than zero but less than \$1.00, we will pay you a benefit of \$1.00 for that month.

**§ 408.515 When do we make SVB payments?**

SVB payments are made on the first day of each month and represent payment for that month. If the first day of the month falls on a Saturday,

Sunday, or Federal legal holiday, payment will be made on the first day preceding such day that is not a Saturday, Sunday, or Federal legal holiday.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[KS 162-1162; FRL-7270-3]

**Approval and Promulgation of Implementation Plans; State of Kansas**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve a State Implementation Plan (SIP) revision submitted by the state of Kansas. This revision updates the state's air monitoring surveillance plan to include the particulate matter provisions EPA added to the Federal requirements in 1997. Approval of the state's plan will make it consistent with the Federal requirements.

In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

**DATES:** Comments on this proposed action must be received in writing by September 30, 2002.

**ADDRESSES:** Comments may be mailed to Kim Johnson, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Kim Johnson at (913) 551-7975.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: August 12, 2002.

**William A. Spratlin,**

*Acting Regional Administrator, Region 7.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Wasatch Front Columbia Spotted Frog as Threatened Throughout Its Range

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of petition finding.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces a 12-month finding on a petition to amend the List of Endangered and Threatened Wildlife. After review of all available scientific and commercial information, the Service has determined that, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), listing the Wasatch Front population of the Columbia spotted frog (*Rana luteiventris*) is not warranted.

**DATES:** The finding announced in this notice was approved on August 23, 2002. Comments and information may be submitted until further notice.

**ADDRESSES:** Questions, comments, and additional information regarding this finding should be sent to Mr. Henry Maddux, Field Supervisor, U.S. Fish and Wildlife Service, 2369 West Orton Circle, West Valley City, UT 84119. Comments and materials received will be available on request for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Jessica Gourley, e-mail

<jess\_gourley@fws.gov>, or Laura

Romin, email <laura\_romin@fws.gov>,

(see **ADDRESSES** section), telephone (801) 975-3330.

**SUPPLEMENTARY INFORMATION:**

#### Background

On May 1, 1989, the Service received a petition from the Board of Directors of the Utah Nature Study Society

requesting the Service to add the spotted frog (then referred to as *Rana pretiosa*) to the List of Threatened and Endangered Species and to specifically consider the status of the Wasatch Front, Utah, population. The petitioners stated that "the spotted frog's present range in the lower 48 states is greatly reduced from its historic range," and that "the current status [of the species] is greatly reduced from historic times." The petitioners further indicated that the "scientific importance of the spotted frog is that this species lives in many disjunct populations that reflect Pleistocene populations." Threats identified by the petitioners included loss of habitat (caused by dam and reservoir construction, alteration of drainage patterns, urban and agricultural use of water, and highway and bridge construction); introductions of exotic species; lack of inventories of native wetland animals; insufficient impact analyses conducted prior to development; and inadequate mitigation activities. In addition, the petitioners alluded that Federal and State laws and regulations do not adequately protect wetlands and riparian areas for the spotted frog.

The Service published a notice of a 90-day finding in the **Federal Register** (54 FR 42529) on October 17, 1989, concluding there was substantial information that the petitioned action may be warranted. Concurrent with publishing the notice, the Service initiated a status review. The period of the status review was prolonged because, throughout its wide range, there was a lack of quantitative information documenting the spotted frog's current distribution and status. Genetics research raised further questions regarding the appropriateness of the then-current taxonomic classification of spotted frog populations.

A notice of the 12-month petition finding was published in the **Federal Register** (58 FR 27260) on May 7, 1993. In the 12-month petition finding, the Service determined that listing the spotted frog as threatened in some portions of its range was warranted but precluded by other higher priority listing actions. Based on geographic and climatic separation and supported by genetic separation (Green 1991), the Service found five Distinct Population Segments (DPS) of spotted frogs throughout its range—(1) the main population (Alaska, British Columbia, Alberta, Wyoming, Montana, north and central Idaho, eastern Washington, and northeastern Oregon), (2) the Great Basin (southern Idaho and Nevada), (3) West Coast (western Washington,

Oregon, Idaho, and Nevada), (4) the Wasatch Front, Utah, and (5) the West Desert, Utah. Separation of the West Desert and Wasatch Front DPSs in Utah is supported by geographic isolation in addition to ecological and demographic distinctiveness (Bos and Sites 2001).

Four of the five DPSs (all but the main population) were found to be warranted but precluded by higher listing priorities; both Utah populations were designated as candidates for listing. In Utah, the Wasatch Front population was assigned a listing priority number of three because the magnitude of the threats were high and imminent, while the West Desert population was assigned a listing priority of nine because of moderate to low threats.

On November 15, 1994, the Service published a Candidate Notice of Review in the **Federal Register** for the four candidate DPSs (59 FR 58982). The listing priority for the West Desert DPS was increased from nine to six. In the Service's September 19, 1997, Candidate Notice of Review, the scientific and common name of the Wasatch Front, West Desert, and Great Basin DPSs were changed to *Rana luteiventris* and Columbia spotted frog respectively, based on new genetics information (Green *et al.* 1997).

On November 28, 1997, the Service announced the availability of a Draft Conservation Agreement for the Wasatch Front and West Desert populations (Utah) of the Columbia spotted frog (*Rana luteiventris*) (62 FR 63375). The Service received a request to extend the comment period, and on December 24, 1997, announced that the comment period on the Draft Conservation Agreement had been extended until January 16, 1998 (62 FR 67398). The Service subsequently signed the Conservation Agreement on February 13, 1998, in cooperation with the Utah Division of Wildlife Resources (UDWR), Bureau of Land Management, Bureau of Reclamation, Utah Reclamation Mitigation and Conservation Commission, Central Utah Water Conservancy District, and the Confederated Tribes of the Goshute Federation.

The goal of this interagency Conservation Agreement is to ensure the long-term conservation of the Columbia spotted frog within its historical range in Utah. The Conservation Agreement established a mechanism for the recovery of the spotted frog through interagency cooperation, coordination of conservation efforts, and development of recovery priorities. Due to numerous activities and studies in addition to and pursuant with the Conservation Agreement, we determined that the