

the criteria for a significant regulatory action under Executive Order 12866.

Regulatory Flexibility Act

We certify that this rule will not have a significant economic impact on a substantial number of small entities since this rule affects only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

This rule imposes no additional reporting or recordkeeping requirements subject to Office of Management and Budget clearance.

(Catalog of Federal Domestic Assistance: Program No. 96.006-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: July 28, 1997.

John J. Callahan,

Acting Commissioner for 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 K—[Amended]

1. The authority citation for subpart K of part 416 continues 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 of Pub. L. 93-66, 87 Stat. 154 (42 U.S.C. 1382 note).

2. Section 416.1167 is amended by adding new paragraph (c) to read as follows:

§ 416.1167 Temporary absences and deeming rules.

* * * * *

(c) *Active duty military service.* If your ineligible spouse or parent is absent from the household due solely to a duty assignment as a member of the Armed Forces on active duty, we continue to consider that person to be living in the same household as you, absent evidence to the contrary. If we determine that during such an absence, evidence indicates that your spouse or parent should no longer be considered to be

living in the same household as you, then deeming will cease. When such evidence exists, we determine the month in which your spouse or parent should no longer be considered to be living in the same household as you and stop deeming his or her income and resources beginning with the month following that month.

Example. Tom is a child who receives SSI. In January 1996, Tom's father leaves the household due solely to an active duty assignment as a member of the Armed Forces. Five months later in June 1996, while Tom's father is still on an active duty assignment, Tom's parents file for divorce. As a result, Tom's father will not be returning to live in Tom's household. Therefore, Tom's father should no longer be considered to be living in the same household with Tom. Beginning July 1, 1996, deeming from Tom's father will cease.

[FR Doc. 97-20743 Filed 8-6-97; 8:45 am]

BILLING CODE 4190-29-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Regulation No. 16]

RIN 0960-AE61

Reduction in Supplemental Security Income (SSI) Payable to Institutionalized Children Whose Medical Costs Are Covered by Private Insurance

AGENCY: Social Security Administration.
ACTION: Final rules.

SUMMARY: The interim final rules published at 62 FR 1053, on January 8, 1997, are adopted as final without change. These rules implement an amendment to section 1611(e)(1)(B) of the Social Security Act (the Act) made by section 214 of Pub. L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

DATES: These rules are effective beginning January 8, 1997.

FOR FURTHER INFORMATION CONTACT: Daniel T. Bridgewater, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-3298 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1-800-772-1213.

SUPPLEMENTARY INFORMATION:

Background

Section 1611(e)(1)(A) of the Act generally precludes eligibility for SSI benefits when a claimant is a resident of

a public institution throughout a month. However, section 1611(e)(1)(B) provided an exception to that bar. Under that section, payments could be made at the reduced Federal benefit rate to individuals in institutions "receiving payments (with respect to such individual or spouse) under a State plan approved under title XIX * * *". This language was implemented through regulations to mean that individuals in institutions would receive only the reduced benefit amount when "Medicaid (title XIX of the Social Security Act) pays a substantial part (more than 50 percent) of the cost of" the claimant's care (§ 416.211(b)).

Section 214 of Pub. L. 104-193, effective for benefits beginning with the month of December 1996, amends section 1611(e)(1)(B) of the Act by extending applicability of the reduced SSI benefit rate to children under age 18 in medical care facilities receiving payments on their behalf under a health insurance policy issued by a private provider (hereinafter referred to as private health insurance). Prior to the enactment of section 214, children under the age of 18 in private institutions with private health insurance generally could be eligible for a full SSI payment. Section 214 now restricts the SSI payment for such children to the Federal reduced benefit rate. Also, prior to this legislation, individuals in public institutions not receiving substantial Medicaid payments on their behalf generally were ineligible for SSI. However, as a result of this legislation, children under age 18 in public institutions receiving private health insurance on their behalf now are eligible for SSI payments at the reduced Federal benefit amount.

The final rules apply the reduced Federal benefit amount to children under age 18 with private health insurance when it, either alone or in combination with Medicaid, pays a substantial part (more than 50 percent) of the cost of their care in the institution.

Regulatory Changes

During the public comment period, we received two comments within the scope of this rulemaking. One commenter, representing a major advocacy group for retarded citizens, expressed agreement with the Social Security Administration's interpretation of the provision regarding the amount of private insurance payments required in order for the reduced Federal SSI benefit rate to apply. Another commenter asked that we add a clarification specifying that Health Maintenance Organizations (HMOs) are

considered to be private health insurance providers within the meaning of this provision. However, the constantly evolving variety of innovative funding sources for institutional care precludes any attempt to specifically address each possible situation in these regulations. Our administrative issuances provide guidance to adjudicators in determining whether particular HMOs, or other kinds of insurers, may or may not be considered private health insurance providers. We also received several other comments, but they were not within the scope of this rulemaking.

Therefore, the interim final rules are adopted as final without change.

Dated: July 28, 1997.

John J. Callahan,

Acting Commissioner for Social Security.

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

Accordingly, the interim final rules amending 20 CFR part 416 which were published at 62 FR 1053 on January 8, 1997, are adopted as final without change.

[FR Doc. 97-20741 Filed 8-6-97; 8:45 am]

BILLING CODE 4190-29-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. NJ17-2-169, FRL-5868-4]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Volatile Organic Compounds for the State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is announcing the approval of a revision to the New Jersey State Implementation Plan (SIP) for the attainment and maintenance of the national ambient air quality standards for Ozone. The SIP revision was submitted by the New Jersey Department of Environmental Protection and consists of the adopted revisions to Subchapter 16 "Control and Prohibition of Air Pollution by Volatile Organic Compounds." These revisions relate to the control of volatile organic compounds from major stationary sources not subject to control techniques guidelines (CTG). The intended effect is to reduce the

emissions of volatile organic compounds and thereby reduce ozone concentrations in the lower atmosphere which will assist in attaining the health based ozone air quality standard. EPA finds that the State has met the Clean Air Act requirement to adopt reasonably available control technology for non-CTG major sources.

EPA is also approving revisions to Subchapter 8 "Permits and Certificates," Subchapter 17 "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23 "Prevention of Air Pollution From Architectural Coatings and Consumer Products" and Subchapter 25 "Control and Prohibition of Air Pollution by Vehicular Fuels," and Air Test Method 3—Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations (Title 7, Chapter 27B, Subchapter 3).

EFFECTIVE DATE: This rule will be effective September 8, 1997.

ADDRESSES: Copies of New Jersey's submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region 2 Office, Air Programs Branch,
290 Broadway, 25th Floor, New York,
New York 10007-1866

New Jersey Department of
Environmental Protection, Office of
Air Quality Management, Bureau of
Air Pollution Control, 401 East State
Street, CN027, Trenton, New Jersey
08625

Environmental Protection Agency, Air
and Radiation Docket and Information
Center, Air Docket (6102), 401 M
Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Paul R. Truchan, Environmental Engineer, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION: On April 11, 1997 (62 FR 17766) EPA published, in the **Federal Register**, a proposed approval of a request by the State of New Jersey to revise its State Implementation Plan (SIP) for ozone. This revision to the New Jersey Ozone SIP added revisions to Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," of New Jersey Administrative Code (N.J.A.C.) of Title 7, Chapter 27 which have occurred several times since EPA's last action. EPA is approving all changes which have occurred in Subchapter 16 (effective date March 2, 1992) since EPA's last approval on April 15, 1994 (59 FR 1994). This includes the

following versions of Subchapter 16 with effective dates of December 20, 1993, June 20, 1994, December 5, 1994, May 15, 1995, and July 17, 1995.

EPA is also approving revisions to Subchapter 8 "Permits and Certificates" (sections 8.1 and 8.2), Subchapter 17 "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23 "Prevention of Air Pollution From Architectural Coatings and Consumer Products" and Subchapter 25 "Control and Prohibition of Air Pollution by Vehicular Fuels," and Air Test Method 3—Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations (Title 7, Chapter 27B, Subchapter 3). These revisions were effective July 17, 1995 and only involve administrative changes made to insure consistency with Subchapter 16 revisions.

Today's approval by EPA will revise the State Implementation Plan so that it contains the most current versions of the State regulations which were submitted as SIP revisions. The revisions and rationale for EPA's approval and rulemaking actions were explained in the April 11, 1997 proposal and will not be restated here. The reader is referred to the proposal for a detailed explanation of New Jersey's SIP revision. In response to EPA's proposed approval of New Jersey's SIP revision, no comments were received.

Conclusion

EPA is approving the revisions of Subchapter 8, "Permits and Certificates" (sections 8.1 and 8.2), Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23, "Prevention of Air Pollution From Architectural Coatings and Consumer Products," and Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels," and to Title 7, Chapter 27B, Subchapter 3 of the New Jersey Administrative Code Air Test Method 3—"Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations," into the New Jersey SIP for the attainment and maintenance of the national ambient air quality standards for Ozone.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental