

(a) Placing the Indian entity "Department of Atomic Energy (DAE) located in Mumbai (formerly Bombay) and subordinate entities specifically listed in this Supplement." in alphabetical order;

(b) Revising the Pakistani entity name "Khewra Soda Ash Plant", to read "Khewra Soda Ash Plant, Soda Ash Businesses, Soda Ash Works, Khewra Distt. Jhelum, (owned by ICI Pakistan Limited).";

(c) Revising the Russian entity name "Glavkosmos, 9 Krasno proletarskaya st., 103030 Moscow." to read "Glavkosmos, 9 Krasno proletarskaya St., 103030 Moscow."; and

(d) Adding, in alphabetical order, the following entries:

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST

Country	Entity	License requirement	License review policy	Federal Register citation
Russia:	Medeleyev University of Chemical Technology of Russia (including at 9 Miusskaya Sq. Moscow 125047, Russia).	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial ...	64 FR 14606 March 26, 1999.
	Moscow Aviation Institute (MAI) (including at 4 Volokolamskoye Shosse, Moscow 125871, Russia).	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial ...	64 FR 14606 March 26, 1999.
	The Scientific Research and Design Institute of Power Technology (a.k.a. NIKIET, Research and Development Institute of Power Engineering (RDIPE), and ENTEK) (including at 101000, P.O. Box 788, Moscow, Russia).	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial ...	64 FR 14606 March 26, 1999

Dated: March 19, 1999.

R. Roger Majak,

Assistant Secretary for Export Administration.

[FR Doc. 99-7438 Filed 3-25-99; 8:45 am]

BILLING CODE 3510-33-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

RIN 0960-AD83

Benefits for Spouses, Mothers, Fathers, and Children

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: These final regulations make several clarifying technical changes to correct language incorporated into the regulations when they were recodified on June 15, 1979, which could potentially result in confusion regarding the applicable law and SSA policy. They also make a technical change to one section to reflect a longstanding SSA policy and to another section to correct a cross-reference.

EFFECTIVE DATE: These regulations are effective April 26, 1999.

FOR FURTHER INFORMATION CONTACT: Lois Berg, Social Insurance Specialist, Office

of Process and Innovation Management, Social Security Administration, L2109 West Low Rise, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1713 or TTY (410) 966-5609 for information about these rules. For information on eligibility, claiming benefits, or coverage of earnings, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778.

SUPPLEMENTARY INFORMATION:

Background

On June 15, 1979, SSA published final regulations at 44 FR 34479 reorganizing and restating in simpler language the rules on requirements for entitlement to Social Security benefits, when benefits begin and end, how benefit amounts are determined, and how we determine family relationships when benefits are sought as the insured individual's dependent or survivor. The primary purpose of the recodification was to restate the rules so that they would be easier for the public to understand and use.

We have found that when the regulations were recodified in June 1979, the rewording of §§ 404.332(b)(4), 404.341(b)(2), 404.361, and the introductory text in 404.366(b) inadvertently resulted in regulations that could be interpreted as inaccurately reflecting either the statute or the

operating policies followed by SSA. Those sections could cause confusion regarding the applicable law and SSA policy. Therefore, in these final regulations, we are making clarifying technical corrections to those sections.

We are amending § 404.357 to reflect a longstanding SSA policy concerning stepchildren set forth in Social Security Ruling (SSR) 60-9, C.B. 1960-1965, p. 128. In addition, we are amending § 404.406 to correct a cross-reference.

Explanation of Revisions

Sections 202(b)(1)(E)-(K) and 202(c)(1)(E)-(K) of the Social Security Act (the Act) specify when wife's and husband's ("spouse's") benefits end, and section 202(g)(1) of the Act specifies when mother's and father's benefits end. In these final regulations, we are amending §§ 404.332(b)(4) and 404.341(b)(2) to more accurately reflect sections 202(b)(1)(I), 202(c)(1)(I) and 202(g)(1) of the Act. As revised by the June 1979 recodification, §§ 404.332(b)(4) and 404.341(b)(2) of the regulations may be incorrectly interpreted to mean that the spouse's, mother's or father's benefits will terminate when the child in that beneficiary's care becomes age 16 (unless disabled) or is no longer entitled. This is true only if there is no other child entitled to benefits on the

insured's earnings record who is under age 16 or disabled. If there is another entitled child who is not in the care of the spouse, mother or father, benefits are subject to deductions, but are not terminated, when the entitled child who is in the care of the spouse, mother or father attains age 16 or is no longer entitled. Therefore, in §§ 404.332(b)(4) and 404.341(b)(2), we clarify that benefits will end when there is no longer any child of the insured under age 16 or disabled who is entitled to benefits on the insured's record.

Section 202(d)(3) of the Act explains the circumstances under which a child will be deemed dependent on his or her natural or adopting parent. As revised by the June 1979 recodification, § 404.361 states that if a child is adopted by someone other than the natural parent ("the insured") during that natural parent's lifetime and the child files an application for benefits after that adoption, he or she must meet certain actual dependency requirements. This is not entirely correct under the statute. We are amending § 404.361 to address the situation in which the insured had a period of disability that lasted until the insured became entitled to disability or old-age benefits or died. As amended, § 404.361 will reflect that, under the Act, a child is deemed dependent on the insured, and need not meet the actual dependency requirements, if the child is adopted during the insured's lifetime by someone other than the insured after the insured's disability onset date.

We are amending the introductory text in § 404.366(b) to change the references "§§ 404.362 through 404.364" shown in that section to "§§ 404.362(c)(1) and 404.363." This will correct another technical error which occurred in the June 1979 recodification.

In order to be entitled to child's benefits, section 202(d)(1)(C) of the Act requires that an individual must be dependent (or deemed dependent) upon the insured individual at a particular time, (e.g., at the time the child applies for benefits). To meet this requirement, certain children are required by the Act to have been receiving "one-half support" from the insured individual at that time. To determine if that condition is met, SSA determines whether the insured was providing one-half support for a "reasonable period" prior to the applicable time. As stated in § 404.366(b), ordinarily, we consider a reasonable period to be the 12-month period immediately preceding the time when one-half support must be met. However, based on § 404.366(b), in some situations, SSA may set a

reasonable period at less than 12 months.

In the June 1979 recodification, the introductory text in § 404.366(b) referred to "§§ 404.362 through 404.364" concerning the reasonable period for meeting the one-half support requirement for a child. These references were over-inclusive because §§ 404.362(b) and 404.364 reflect sections 202(d)(8) and (9) of the Act which mandate that dependency must be met by certain child claimants for the entire one-year period before the applicable time. The statutorily mandated period applies to a child age 18 or over who is adopted after the insured individual's entitlement and to a grandchild or stepgrandchild (except for those born during the applicable one-year period). SSA may not set a shorter period in these two situations. The revised references to §§ 404.362(c)(1) and 404.363 reflect that SSA may set a shorter period for children adopted by the insured's surviving spouse, and for the insured's stepchildren. The statute does not require dependency for an entire one year period for these children, and the "reasonable period" rules apply in determining whether one-half support is met for them.

We are also amending § 404.357 to reflect the longstanding SSA policy that a child conceived before and born after the marriage of the child's parent to an insured individual may be entitled as the stepchild of the insured, if the insured is not the child's natural parent. This policy is set forth in SSR 60-9, C.B. 1960-1965, p. 128.

Finally, we are amending § 404.406 to correct a technical error. We are changing the reference in the second sentence from § 404.607 to § 404.603, which is the correct reference.

Regulatory Procedures

Justification for Final Rules

Pursuant to section 702(a)(5) of the Act, SSA follows the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for waiver of the notice of proposed rulemaking and public comment procedures for these amendments to our regulations. Opportunity for public comment prior

to the effectuation of the amendments is unnecessary. These amendments to the regulations contain no changes in SSA policy and only make clarifying technical changes that would correct inadvertent errors, would reflect more accurately provisions in sections 202(b)(1)(I), 202(c)(1)(I), 202(d)(1)(C), 202(d)(3), (8) and (9), 202(g)(1) and 216(e) of the Act and would reflect a longstanding SSA policy set forth in SSR 60-9, C.B. 1960-1965, p. 128. We believe that the public would have little interest in these minor, technical amendments. Therefore, we are issuing these changes to our regulations as final rules.

Regulatory Flexibility Act

We certify that these final regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they were not subject to OMB review. We have also determined that these rules meet the plain language requirement of Executive Order 12866 and the President's memorandum of June 1, 1998.

Paperwork Reduction Act

These regulations impose no reporting/recordkeeping requirements necessitating clearance by OMB.

(Catalog of Federal Domestic Assistance Program No. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; and 96.004 Social Security—Survivors Insurance.)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social security.

Dated: March 16, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set forth in the preamble, subparts D and E of part 404 of chapter III of title 20 of the Code of Federal Regulations are amended as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

Subpart D—[Amended]

1. The authority citation for subpart D of part 404 continues to read as follows:

Authority: Secs. 202, 203(a) and (b), 205(a), 216, 223, 225, 228(a)–(e), and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403(a) and (b), 405(a), 416, 423, 425, 428(a)–(e), and 902(a)(5)).

2. Section 404.332 is amended by revising paragraph (b)(4) to read as follows:

§ 404.332 When wife's and husband's benefits begin and end.

* * * * *

(b) * * *

(4) If you are under age 62, there is no longer a child of the insured who is under age 16 or disabled and entitled to child's benefits on the insured's earnings record. (See paragraph (c) of this section if you were entitled to wife's or husband's benefits for August 1981 on the basis of having a child in care.) (If you no longer have in your care a child who is under age 16 or disabled and entitled to child's benefits on the insured's earnings record, your benefits may be subject to deductions as provided in § 404.421.)

* * * * *

3. Section 404.341 is amended by revising paragraph (b)(2) to read as follows:

§ 404.341 When mother's and father's benefits begin and end.

* * * * *

(b) * * *

(2) There is no longer a child of the insured who is under age 16 or disabled and entitled to a child's benefit on the insured's earnings record. (See paragraph (c) of this section if you were entitled to mother's or father's benefits for August 1981.) (If you no longer have in your care a child who is under age 16 or disabled and entitled to child's benefits on the insured's earnings record, your benefits may be subject to deductions as provided in § 404.421.)

* * * * *

4. Section 404.357 is amended by adding a new sentence following the first sentence to read as follows:

§ 404.357 Who is the insured's stepchild?

* * * You also may be eligible as a stepchild if you were conceived prior to the marriage of your natural parent to the insured but were born after the marriage and the insured is not your natural parent. * * *

5. Section 404.361 is revised to read as follows:

§ 404.361 When a natural child is dependent.

(a) *Dependency of natural child.* If you are the insured's natural child, as defined in § 404.355, you are considered dependent upon him or her, except as stated in paragraph (b) of this section.

(b) *Dependency of natural child legally adopted by someone other than the insured.*

(1) Except as indicated in paragraph (b)(2) of this section, if you are legally adopted by someone other than the insured (your natural parent) during the insured's lifetime, you are considered dependent upon the insured only if the insured was either living with you or contributing to your support at one of the following times:

- (i) When you applied;
- (ii) When the insured died; or
- (iii) If the insured had a period of disability that lasted until he or she became entitled to disability or old-age benefits or died, at the beginning of the period of disability or at the time he or she became entitled to disability or old-age benefits.

(2) You are considered dependent upon the insured (your natural parent) if:

- (i) You were adopted by someone other than the insured after you applied for child's benefits; or
- (ii) The insured had a period of disability that lasted until he or she became entitled to old-age or disability benefits or died, and you are adopted by someone other than the insured after the beginning of that period of disability.

6. Section 404.366 is amended by revising the sixth sentence of the introductory text in paragraph (b) to read as follows:

§ 404.366 "Contributions for support," "one-half support," and "living with" the insured defined—determining first month of entitlement.

* * * * *

(b) * * * Ordinarily we consider a reasonable period to be the 12-month period immediately preceding the time when the one-half support requirement must be met under the rules in §§ 404.362(c)(1) and 404.363 (for child's benefits), in § 404.370(f) (for parent's benefits) and in § 404.408a(c) (for benefits where the Government pension offset may be applied). * * *

* * * * *

7. The authority citation for subpart E of part 404 continues to read as follows:

Authority: Secs. 202, 203, 204(a) and (e), 205(a) and (c), 222(b), 223(e), 224, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403, 404(a) and (e), 405(a) and (c), 422(b), 423(e), 425, and 902(a)(5)).

8. Section 404.406 is amended by revising the second sentence to read as follows:

§ 404.406 Reduction of maximum because of retroactive effect of application for monthly benefits.

* * * An application may also be effective (retroactively) for benefits for months before the month of filing (see § 404.603). * * *

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 96F-0248]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Sulphopropyl Cellulose

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 a change in the limitations for sulphopropyl cellulose ion-exchange resin for the recovery and purification of proteins for food use. This action is in response to a petition filed by Life Technologies, Inc.

DATES: The regulation is effective March 26, 1999; written objections and requests for a hearing by April 26, 1999.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3071.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 22, 1996 (61 FR 37905), FDA announced that a food additive petition (FAP 6A4502) had been filed by Life Technologies, Inc., 8400 Helgerman Ct., Gaithersburg, MD 20874 (now, 9800 Medical Center Dr., Rockville, MD 20850). The petition proposed to amend the food additive regulations in § 173.25(b)(5) *Ion-exchange resins* (21 CFR 173.25(b)(5)) to provide for a change in the temperature and pH limitations for sulphopropyl cellulose